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MOORE, TUCK, AND FITZPATRICK NOMINATIONS

HEARING

BEFORE THE

COMMITTEE ON ENERGY AND NATURAL RESOURCES UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

ON THE

NOMINATIONS OF W. HENSON MOORE TO BE DEPUTY SECRETARY OF ENERGY, JOHN C. TUCK TO BE UNDER SECRETARY OF ENERGY, AND DONNA R. FITZPATRICK TO BE ASSISTANT SECRETARY FOR MANAGEMENT AND ADMINISTRATION, DEPARTMENT OF ENERGY

APRIL 5, 1989

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MOORE, TUCK, AND FITZPATRICK NOMINATIONS

WEDNESDAY, APRIL 5, 1989

U.S. Senate
Committee on Energy and Natural Resources,
Washington, DC.

The committee met, pursuant to notice, at 9:39 a.m., in room SD-366, Dirksen Senate Office Building, Hon. J. Bennett Johnston, chairman, presiding.

OPENING STATEMENT OF HON. J. BENNETT JOHNSTON, U.S. SENATOR FROM LOUISIANA

The Chairman. The hearing will come to order.

This is a hearing called to consider President Bush's nominations for three important jobs at the Department of Energy. Henson Moore from Baton Rouge, Louisiana is nominated to be Deputy Secretary of Energy; John Tuck to be Under Secretary of Energy; and Donna Fitzpatrick to be Assistant Secretary of Energy for Management and Administration.

I am particularly pleased that my good friend, Henson Moore, will be Admiral Watkins' partner at the helm of DOE. I am confident that with his combination of knowledge and Admiral Watkins' administrative abilities that the Department of Energy is going to be in really excellent hands. Henson, of course, has an outstanding record as a member of the House, since then a very fine record in the practice of law. And I for one am looking forward to working with him in a very not only friendly, but fruitful way at the Department of Energy.

John Tuck and Donna Fitzpatrick are both familiar faces and well-known and very favorably known to this committee. Mr. Tuck worked for the majority leader for five years, and most recently has been on the White House staff for the last three years. His experience in both the executive and legislative branches should give him a valuable insight on how to get things done at the Department of Energy and how to get things done on the floor.

Donna Fitzpatrick is coming to the committee for confirmation for the third time. This time will take probably even less time than the last have because the first two she passed with flying colors because she is so well-known and has done such an excellent job in both of her previous assignments, and undoubtedly Donna will do so again. It is a pleasure always to work with her.

[The prepared statements of Senators Johnston, Heflin, McClure, and McConnell follow:]

STATEMENT OF J. BENNETT JOHNSTON
CHAIRMAN, COMMITTEE ON ENERGY & NATURAL RESOURCES

Confirmation Hearing for
Henson Moore to be Deputy Secretary, DOE
John Tuck to be Under Secretary, DOE
Donna Fitzpatrick to be Asst. Sec'y,
Management & Administration, DOE

This is a hearing on President Bush's nominations for three important jobs at the Department of Energy:

- Henson Moore to be Deputy Secretary of Energy
- John Tuck to be Under Secretary of Energy
- Donna Fitzpatrick to be Assistant Secretary of Energy, Management & Administration

I am particularly pleased to welcome my good friend Henson Moore who will be Admiral Watkin's partner at the helm of DOE. I am confident that the combination of Henson's knowledge of the ways of the Congress and the great esteem in which he is held by his former colleagues in the House of Representatives and the Senate will help build the bipartisan consensus the country needs to establish an effective energy policy.

John Tuck and Donna Fitzpatrick are both familiar faces to this Committee.

Mr. Tuck worked for the Senate Majority Leader for five years and most recently has been on the White House staff for the last three years. His experience in both the executive and legislative branches should give him valuable insight on how to get things done at DOE.

Donna Fitzpatrick is coming before the committee for confirmation for the third time. She passed with flying colors the first two times and has performed well in both of her previous assignments. She undoubtedly will do so again.

INTRODUCTORY REMARKS
OF MR. HEFLIN
ON THE
NOMINATION OF W. HENSON MOORE
TO SERVE AS
THE DEPUTY SECRETARY OF ENERGY (DOE)

Welcome, Congressman Moore, and best wishes for a smooth and speedy confirmation process.

I was delighted to meet with you in my office back in January, 1989. You obviously are going to DOE with a great deal of political sensitivity and an abundance of knowledge about the oil and gas industry, as well as energy taxation. Your 12 years as a member of the U.S. Congress and your service in the House Committees on Energy and Commerce, Agriculture, Budget, and Ways and Means have afforded you a very valuable, diversified and strong background. Your litigative and governmental relations experiences -- especially as a former senior partner in the distinguished law firm of Sutherland, Asbill and Brennan -- have enhanced your preparation and uniquely qualified you to become the Deputy Secretary of Energy.

Now, Mr. Moore, as you probably are well aware by now, electric consumers in Alabama received low-cost hydropower generated by multi-purpose projects and marketed by power marketing administrations of DOE. I have some questions regarding the allocation of marketing management responsibility of PMA's within DOE and the Bush proposal to sell certain aspects of the Southeast Power Administration (SEPA) which I would like to submit to you for the record.

MR. HEFLIN'S INTRODUCTORY REMARKS ON MR. JOHN C. TUCK TO BE UNDER SECRETARY OF ENERGY (DOE) AND MS. DONNA R. FITZPATRICK TO BE ASSISTANT SECRETARY OF MANAGEMENT AND ADMINISTRATION (DOE)

BOTH MR. TUCK AND MS. FITZPATRICK HAVE PRIOR EXPERIENCES WORKING IN THE EXECUTIVE BRANCH OF THE FEDERAL GOVERNMENT. MR. TUCK HAS ALSO WORKED IN THE U.S. SENATE, WHERE HE ASSISTED FORMER MAJORITY LEADER, HOWARD BAKER, WITH THE DAY-TO-DAY OPERATIONS OF THE FLOOR OF THE U.S. SENATE.

BOTH MR. TUCK AND MS. FITZPATRICK ARE WELL EDUCATED. MS. FITZPATRICK STARTED HER LAW PRACTICE FIRST WITH THE LOCAL LAW FIRM OF O'CONNER AND HANNAN. MR. TUCK IS A GRADUATE OF THE SCHOOL OF FOREIGN SERVICE AT GEORGETOWN UNIVERSITY.

CONGRATULATIONS TO BOTH OF YOU DURING YOUR STATUS AS CERTAIN DESIGNATES WITH DOE. I LOOK FORWARD TO WORKING CLOSELY WITH YOU.

OPENING STATEMENT OF SENATOR JAMES A. MCCLURE

HEARING TO CONSIDER THE NOMINATIONS OF W. HENSON MOORE, JOHN C. TUCK, AND DONNA R. FITZPATRICK

April 5, 1989

It is my pleasure to welcome our three Presidential nominees to the Committee. I believe all three nominees are familiar to the Members of this Committee and are certainly well-qualified for the positions to which they have been nominated.

As we heard recently during Admiral Watkins' confirmation hearing, the Department of Energy is faced with a range of problems and difficulties related to the operation of DOE's defense and non-defense facilities. The newly-confirmed Secretary has made a good beginning in addressing these issues but there is still a long way to go in solving this nation's energy problems. The nominees before us this morning have the background and experience to bring strength to the management team at DOE.

The President has made an excellent choice in nominating Henson Moore to be Deputy Secretary of Energy. As a former colleague, I have known Mr. Moore for some 15 years. He is a skilled and knowledgeable politician whose understanding of government and whose expertise in the energy field will be a great asset to the Department. Mr. Moore's institutional knowledge of Congress and its members will be extremely valuable in forging the kind of working relationship that is essential for the making of sound public policy. As I have publicly stated over and over, this nation's energy problems exist not because we are short of energy, but because we lack a long-term, comprehensive and consensus-based national energy strategy. I believe Henson Moore will be a great asset in building such an energy policy, and I strongly support his nomination.

The nomination of John Tuck will also serve to strengthen the management team at the Department of Energy. Through Mr. Tuck's positions in both the Senate and the House of Representatives managing Floor activities, as well as his most recent responsibilities in Legislative Affairs at the White House, he has gained good management experience and a particular expertise in moving legislation through Congress. I believe Mr. Tuck will serve the Administration well, and I strongly support his nomination for Under Secretary of Energy.

I am again pleased to welcome Donna Fitzpatrick to this Committee. As Miss Fitzpatrick has appeared before us on numerous occasions and has twice been confirmed by the Senate, I will not reiterate her qualifications. I am pleased to support Miss Fitzpatrick's nomination to be Assistant Secretary of Energy for Management and Administration.

Mr. Chairman, I would like to express my full support for Henson Moore to be Deputy Secretary of Energy, John Tuck to be Under Secretary of Energy, and Donna Fitzpatrick to be Assistant Secretary of Energy for Management and Administration.

SENATOR MITCH MCCONNELL

OPENING STATEMENT
CONFIRMATION HEARINGS FOR
HONORABLE HENSON MOORE, MR. JOHN C. TUCK, AND
MS. DONNA C. FITZPATRICK

APRIL 5, 1989

THANK YOU MR. CHAIRMAN. WELCOME CONGRESSMAN MOORE, MR. TUCK, AND MS. FITZPATRICK. I'M PLEASED THE ENERGY AND NATURAL RESOURCES COMMITTEE IS AT LAST HOLDING CONFIRMATION HEARINGS FOR YOUR RESPECTIVE POSITIONS. PRESIDENT BUSH MADE AN EXCELLENT SELECTION IN ADMIRAL WATKINS AS SECRETARY OF ENERGY, AND I'M PLEASED TO SEE THAT HE HAS CONTINUED THAT TREND IN HIS SELECTIONS FOR DEPUTY SECRETARY, UNDER SECRETARY, AND ASSISTANT SECRETARY FOR MANAGEMENT AND ADMINISTRATION.

CONGRESSMAN MOORE BRINGS WITH HIM TO THE POSITION AN EXTENSIVE AND IMPRESSIVE LEGISLATIVE BACKGROUND. HIS EXPERIENCE ON THE HOUSE ENERGY AND COMMERCE AND WAYS AND MEANS COMMITTEES AND HIS FAMILIARITY WITH THE ENERGY INDUSTRY WILL SERVE HIM WELL IN TACKLING MANY OF THE ENERGY ISSUES FACING OUR NATION TODAY. HIS UNDERSTANDING OF THE WAYS AND NUANCES OF CONGRESS SHOULD ALSO HELP

CONGRESSMAN MOORE TO FORGE A SOLID WORKING RELATIONSHIP BETWEEN THE DEPARTMENT OF ENERGY AND THE CONGRESS.

LIKE CONGRESSMAN MOORE, MR. TUCK BRINGS WITH HIM TO THE JOB A FAMILIARITY WITH THE WAY CONGRESS WORKS AND A KEEN UNDERSTANDING OF WHAT IT TAKES TO GET CONGRESS AND THE ADMINISTRATION TO WORK TOGETHER SUCCESSFULLY. HIS YEARS OF ASSISTING MAJORITY LEADER HOWARD BAKER WITH DAY TO DAY FLOOR OPERATIONS IN THE SENATE WILL HELP THE ADMINISTRATION GUIDE PROPOSALS THROUGH CONGRESS. IF I MIGHT WAX PAROCHIAL FOR A MOMENT, I HOPE, MR. TUCK, THAT YOUR ASSOCIATION WITH A FINE COAL-STATE SENATOR LIKE HOWARD BAKER HAS GIVEN YOU A CLEAR UNDERSTANDING OF AND HEALTHY RESPECT FOR THE IMPORTANCE OF COAL IN OUR NATION'S ENERGY MIX.

MS. FITZPATRICK'S LONG ASSOCIATION WITH THE DEPARTMENT OF ENERGY POSITION HER AS THE DEPARTMENT'S "INSTITUTIONAL MEMORY." ALSO, HER EXPERTISE WITH ENERGY CONSERVATION AND RENEWABLE ENERGY PROGRAMS SHOULD PROVE USEFUL TO THE DEPARTMENT IN ITS IMPORTANT TASK OF ENHANCING OUR NATION'S ENERGY SECURITY BY LESSENING OUR DEPENDENCE ON FOREIGN ENERGY SOURCES.

CONGRESSMAN MOORE, MR. TUCK, MS. FITZPATRICK, THE TASK BEFORE IS LARGE AND COMPLICATED. THERE ARE SEVERAL PRESSING ISSUES YOU MUST DEAL WITH QUICKLY: CLEANING UP AND MODERNIZING THE NATION'S NUCLEAR WEAPONS PLANTS, DEVELOPING A COMPREHENSIVE NATIONAL ENERGY

POLICY WHICH MAKES US LESS DEPENDENT ON FOREIGN SOURCES OF ENERGY AND MORE DEPENDENT ON THE ENERGY RESOURCES IN OUR OWN BACK YARD, BALANCING ENVIRONMENTAL CONCERNS WITH THE NEED TO DEVELOP EXISTING DOMESTIC FOSSIL FUEL RESOURCES...THE LIST GOES ON.

I'M CONFIDANT, HOWEVER, THAT INDIVIDUALLY AND COLLECTIVELY, YOU HAVE THE ABILITY TO SUCCESSFULLY DEAL WITH THESE ISSUES.

I WISH YOU LUCK AND LOOK FORWARD TO WORKING WITH EACH OF YOU OVER THE NEXT EIGHT YEARS.

The **Chairman**. Before we hear from the witnesses themselves, we have two outstanding people to testify, first the man I identified yesterday as the most outstanding Senator in the United States Senate not only because he's my colleague, but because he is——

Senator **McClure**. Oh, I thought you were referring to me.

The **Chairman**. Well, at another time, McClure might fill that bill. [Laughter.]

But since the next man that I'm going to introduce is not only my colleague but also as chairman of the Senate Democratic Campaign Committee, he is doubly the most outstanding man in the United States Senate. [Laughter.]

Seriously, it is a pleasure to introduce my colleague, John Breaux.

STATEMENT OF HON. JOHN B. BREAUX, U.S. SENATOR FROM LOUISIANA

Senator **Breaux**. Thank you very much, Mr. Chairman. I only wish all of our candidates were in as good shape as you are.

I'm delighted to be here. In fact, you have no idea how delighted I am to be able to be here this morning to introduce the next Deputy Secretary of Energy. [Laughter.]

A few people understand that in the back.

Actually one of the great privileges we have as Members of the United States Senate is to vote on confirmation of nominees of the President of the United States. Sometimes it's a great privilege which we enjoy. Other times it's a very difficult task. This morning it's a very easy task and one that I look at with a real privilege to be able to introduce Henson Moore to the committee. Obviously, he needs no introduction, but it's an honor for me to be able to present him to the Senate Energy Committee for the confirmation process.

You know, as we present these members, we look at their qualifications from a professional standpoint, and Henson's qualifications indeed are outstanding. He served on the Energy and Commerce Committee in the House. He has legislative experience. He knows how to get bills passed dealing with energy, and I would submit that this administration and this Congress is going to be facing some real challenges from a legislative standpoint. It's going to be very important that the Deputy Secretary knows the legislative process. Henson Moore knows it. He has worked in it. He has been a leader in it in the House on the Energy Committee, as well as on the Ways and Means Committee, the tax writing committee in the other body, which deals with a number of energy concerns on a regular basis.

Not only that, he has a real world experience. You know, sometimes you get someone who is a great legislator but has never been involved in the real world from an energy standpoint or from a standpoint of doing what he is now called on to do within the administration. Henson Moore brings not only internal legislative experience. His background and history and his family reflects the real world experience in making an energy company work. And I think when you have the opportunity to tie those two together, it indeed is very unique and a very special opportunity that we have as the Senate to confirm that type of person.

Another thing is that as we wrestle with the question of how we pay or rather perhaps don't pay adequately people who serve in our government, it is important I think to note the sacrifice that these men and women who are coming before our committees will be making in order to serve our government, as we do. But when we do it, there's a certain amount of extra added attraction that makes the low salary sometimes not quite as difficult as it is when you serve in the capacity of a deputy administrator. So, it's a particular note of thanks that I think we owe these public servants who have given up careers in the private sector at a real sacrifice to be able to work for our government.

I know I was talking with Carolyn Moore and she points out that she is back in the private sector working in order for Henson to be able to serve in this administration. And that's the type of dedicated public service that it's a privilege for us to consider and to confirm and to look forward to working with.

This is his first appearance before this committee, Mr. Chairman. It won't be his last, and I guarantee you, you will not be disappointed. In fact, all of you I think will be very pleased with his work as deputy secretary. So, I am very pleased to be able to present him to your committee for confirmation.

Thank you.

The **Chairman**. Thank you very much, John.

I might say, for those of you who do not know what we were giggling about, Henson Moore and John Breaux were competitors in a race for the United States Senate some time ago. And I think it is a measure of the quality of this man, Henson Moore, that after a spirited and tough race that they could both have such high opinions of one another. And these are not opinions formed just from the relief of not having to be in the opposite situation, but it is an opinion formed sincerely and voiced in private as well as publicly because I've heard John Breaux say that. And I think that is a real tribute to Henson Moore that John would say and feel those things.

So, thank you very much.

Senator **Breaux**. Thank you, Mr. Chairman.

The **Chairman**. Before I call on my colleagues for comments, we might hear from our former esteemed colleague, Majority Leader Howard Baker.

STATEMENT OF HON. HOWARD BAKER, FORMER U.S. SENATOR FROM TENNESSEE

Senator **Baker**. Mr. Chairman and members of the committee, it's my pleasure to be here today, and that pleasure is twofold. First, it's always pleasant to be with old friends.

The **Chairman**. We say friends of long standing.

Senator **Baker**. In my case, my friends are getting older all the time. [Laughter.]

But after 18 years in the Senate, my experience here, and some of it in this very room, is a dominant part of my life and my career. And I look back on my service here in the Senate with fond recollection.

My second source of pleasure, Mr. Chairman and members of the committee, is the business at hand, and that is the nomination of John Tuck as Under Secretary of Energy.

As I was attempting to gather my thoughts for these remarks, I found them repeatedly straying from the traditional pattern of these introductions, and decided to point out that John Tuck and have careers that, while separated by years in terms of our age, have been closely intertwined. I first met John Tuck when he was chief of Republican floor operations and assistant secretary for the majority in the Senate from 1977 to 1986.

But that description hardly does Tuck justice, Mr. Chairman, nor would simply listing his many titles that he has gained during the course of his service to the United States Senate, to me as minority and majority leader of the Senate and then again to me when he was my assistant when I was chief of staff to President Reagan.

I want to tell you a little, Mr. Chairman, about what I observe of John Tuck and why I think he would be so uniquely qualified for the job at hand. And I'd rather do that in a free-form way if I may, and may I ask consent that my remarks as prepared be inserted in the record at the appropriate point.

The CHAIRMAN. Without objection.

Senator BAKER. I've known a lot of people in my time, as we all have, those of us who are or have been in public service. But I guess I could count on the fingers of my two hands the young men and women that I've known that sparkle in their understanding of the nature of public service, and John Tuck is one of those. He is quiet, calm, well-modulated, but he is always working furiously to understand the details and the nitty-gritty of the particular issue that confronts him.

I've known other people who had a similarly tranquil attitude who also worked hard to understand the details but perhaps didn't have quite the same strategic concept of the importance and the relative importance of the issues that confronted the Senate or the country at any particular moment. But John did in his experience in the Senate and at the White House and does now have an understanding of what really makes the world go around in terms of the government of the United States and our public policy and public concerns.

I could go on at great length about particular episodes and examples of this, how he served as a moderating influence on the commotion and the tumult that goes on in the White House, especially in the Office of the Chief of Staff, and how he gathered all those strengths together and presented to me a coherent whole at the beginning of every morning, and how he was a careful and fastidious note-taker, and more to the point, how he carried on his responsibilities to dispatch those instructions so often hurled over your shoulder or half-uttered but fully understood by a man who has a strategic understanding of the way that public government works in this country.

But the most important thing I think that I could tell you about John Tuck is he has a great devotion to his country, and he has a great devotion to the concept that it should remain safe and secure, that it should function effectively and responsibly, that it should continue indefinitely to be the best servant that mankind has ever contrived in the civil arena, as indeed we are. He is the archetypical public servant of excellence.

And it is a mark of his greatness that he is willing to accept at a young age a position and a responsibility of such magnitude and to do so at his own personal sacrifice. I know firsthand that John Tuck has elected this service instead of far more lucrative service in the private sector. I know that he is making a personal sacrifice, as Jane, his wife, and their three children in order to continue this tradition of public service that he has undertaken and dispatched with such courage and devotion and dedication.

I think he will do an extraordinary job in the Department of Energy. He and Admiral Watkins have known each other for a long, long time and have worked well as a team both during the time when John Tuck was in the Navy and during the time when Admiral Watkins was chairman of the AIDS Commission and John Tuck was my assistant.

Mr. Chairman, it gives me extraordinary pleasure then to present to you one of the handful of young men who I think has already done great things for his country and for his government and who I predict is destined to do still greater things as time goes by.

I congratulate President Bush for nominating him, Admiral Watkins for the opportunity to serve with him and you, Mr. Chairman, for the opportunity to hear him testify today and all of us for his future service in this position. Thank you very much.

[The prepared statement of Senator Baker follows:]

INTRODUCTORY REMARKS FOR NOMINATION OF JOHN TUCK TO BE UNDER SECRETARY OF ENERGY

Mr. Chairman and members of the committee. My pleasure in being here today is twofold. First, it is always pleasant to visit with old friends. My three terms of service in the United States Senate are the dominant fact of my working life and I always return with fond memories.

My second source of pleasure is the business at hand: The nomination of John C. Tuck as Under Secretary of Energy.

As I was attempting to gather my thoughts for these remarks, I found them repeatedly straying from the traditional pattern of these introductions. John and my careers are so closely inter-twined, that a mere recital of his service as Chief of Republican Floor Operations, and Assistant Secretary for The Majority from 1977 to 1986 hardly do him justice. Nor does simply listing the many titles he gathered during his White House term from 1986 to 1989, which concluded with his service as Assistant to the President and Director of the Office of the Chief of Staff.

I also found a mere listing of his many talents, even though considerable, to fall short of the mark. John's attention to detail is legendary, a product of five years of active duty in the Navy. His ability to distill complex issues into concrete programmatic choices is also invaluable. His herculean work habits and poise have earned him the somewhat offbeat nickname of the "Duck", because he is always calm above water, but paddling like hell underneath.

If a distinguished career of public service in the military, the Senate, and the White House, and descriptions of intelligence and hard work are not enough for me, then I am left with the more personal view that John Tuck has been like a son. One of the joys of both parenthood and public service is the sense of passing the torch to the next generation. And certainly one of the principal satisfactions of my career is to sit here today and help pass the torch of public service to John.

When I speak of political parenthood, I am not speaking of a senior-junior relationship. I am instead referring to that day when long after the children have left the nest, they return to visit and you suddenly realize that they are now, smarter, and more energetic; that the world is their's because they deserve it.

For me and John, this day arrived during our White House term. Some riot had broken out about the AIDS commission. I was completely preoccupied and the problem was festering. One day John walked into my office and said the problem was solved. My reaction was probably the same as yours: Admiral who? Are you sure? John didn't get defensive, but just said, trust me. We both walked into the President who echoed my reaction. John again said the problem was solved if he could only get out of the echo chamber.

The mystery Admiral was Admiral Watkins, the new Secretary of Energy, whose team John plans to join.

Regardless of my fondness for John and his ability, the question before the committee is John's fitness for the job for which the President has nominated him. Let me break my substantive reasons for recommending John into two parts. First, John and Admiral Watkins have known each other ever since John's naval service more than twenty years ago. They form a great team and the importance of team work is vastly underrated in politics. My personal experience in politics is that a talented team is infinitely more valuable than collections of talented individuals. In Admiral Watkins and John Tuck the nation is getting a team at the Department of Energy that will bring credit to this committee for approving their nominations.

Beyond his value as a key member of the Administration's new energy team, is the fact that the nation's energy and defense policies desperately need the skills of John Tuck. I can think of no domestic policy matter which so cries out for a steady, productive dialogue between Congress and the Executive Branch as our energy and nuclear weapons policies.

With respect to energy, rising oil imports and the greenhouse effect serve to remind us that safe nuclear power still has a role to play for America. Regrettably, I can think of no issue that has been so mishandled by all sides during the past twenty-five years. And it will take several decades for us to find safe and clean energy sources that the American public will trust. It will take all of John's skills to just rekindle the dialogue between Congress and the Executive branch. But John's training to consult early and often with all parties is exactly what is required if we are to chart a new energy policy for this country.

The crisis in our nuclear arsenal is equally pressing. I have no objections to reducing this arsenal as part of a concerted effort by mankind to disarm and end the ability of any nation to incinerate the planet. However, if our nuclear arsenal collapses because of industrial and political incompetence, then those of us in public service will have failed. Again, John's team skills and knowledge of the executive and legislative branches will prove invaluable.

Let me close by saying there is not a better man for the job anywhere in Washington, nor the country.

Thank you Mr. Chairman.

The **Chairman**. Thank you very much, Senator Baker, for one of the finest endorsements of any candidate I've heard up here. If you can live up to that, I'll say, Mr. Tuck, you will be a very outstanding under secretary indeed, and I expect that you will. We're going to hold you to all of those things. [Laughter.]

The **Chairman**. Thank you very much, Senator Baker.

Senator **Baker**. Thank you, sir.

The **Chairman**. Senator McClure?

Senator **McClure**. Mr. Chairman, I have an opening statement I'll ask be included in the record at the appropriate point.

The Chairman. Do my other colleagues have a statement they would like to make? Senator Domenici?

STATEMENT OF HON. PETE V. DOMENICI, U.S. SENATOR FROM NEW MEXICO

Senator **Domenici**. Thank you, Mr. Chairman. I want to just make a few comments because I want the nominees to know that I cannot be here but for a few more moments. We are having one of the innumerable so-called budget summit meetings. It's supposed to start at 9:30, but I'm gambling that as usual it will be late.

But I wanted to come to congratulate these three nominees. I've had a chance to visit with all of them. I know each of them very well. I recall that the Admiral, who's now our Secretary, indicated that he was going to put a real team together, and he wanted to make sure that the Department was the very finest because it has some of the most difficult problems under its wing of any cabinet member. And I think today is living proof that he is going to get that done. These nominees are going to do a great job, and I say to each of them I hope you will hold me excused, but you don't have to anxiously wait around for my vote. It will be there. I am delighted to work with you. I think you are going to be part of a superb department of the Federal Government.

Thank you very much, Mr. Chairman.

The **Chairman**. Thank you, Senator Domenici.

Further comments?

[No response.]

The **Chairman**. If all three nominees would stand and be sworn.

[Whereupon, the nominees were duly sworn by the chairman.]

The **Chairman**. There are three questions to ask of all nominees, and I will ask those to each of you. The rules of the committee which apply to all nominees require that they be sworn in connection with their testimony in order to answer the following questions.

Are you aware of any personal holdings, investments or interests that could constitute a conflict of interest or create the appearance of such conflict should you be confirmed and assume the office to which you have been nominated by the President? Mr. Moore?

Mr. **Moore**. None other than those revealed on the statement of holdings by my wife which—she will divest herself of.

The **Chairman**. Mr. Tuck?

Mr. **Tuck**. I'm not aware of any conflict.

The **Chairman**. Miss Fitzpatrick?

Miss **Fitzpatrick**. No, sir.

The CHAIRMAN. And are you involved or do you have any assets held in blind trusts?

Mr. TUCK. No, sir, I don't.

Mr. MOORE. No, sir.

Miss FITZPATRICK. No, I don't.

The CHAIRMAN. Mr. Moore, we will proceed with you first. First of all, I would appreciate it if you would introduce to the committee and the audience your lovely wife Carolyn and any family members who might be here with you.

STATEMENT OF W. HENSON MOORE, NOMINEE TO BE DEPUTY SECRETARY OF ENERGY

Mr. MOORE. Mr. Chairman, I very much appreciate that offer. My wife Carolyn is right here. Please stand, Carolyn. And as you well know from your years of knowing her and our knowing your beautiful wife Mary, it's the wives that really pay the price for us being in public service, and she has done that in her time.

The CHAIRMAN. Well, we really wanted to confirm her. [Laughter.]

Mr. MOORE. I think had she run for the Senate, she might have done better than I did.

All the rest of our children are at school studying I hope. We have a number of friends who are here and we appreciate them being here.

Mr. Chairman, I thank you for your very kind words and also those of my good friend, Senator Breaux. I think that in Louisiana we can show what the President is talking about when he speaks of a bipartisan spirit of service to the country. We tend to put our contests behind us and move on with trying to help the country and help our State. And I think the two of you—the thoughts and the benefits you have given me—prove that many times over, and I really look forward to having the chance to work with the two of you again.

Mr. Chairman and members of the committee, I'd like to ask that my statement be submitted for the record, and I'll abbreviate it.

It's a pleasure to appear before you today as President Bush's nominee to be Deputy Secretary of Energy. If confirmed, I look forward to serving with Admiral Watkins and working closely with this committee and the Congress once again.

Twelve of the most challenging and rewarding years of my life were spent as a member of the other body. I quickly learned there is little accomplished unless we work together. We must reach a bipartisan consensus or the task goes unfinished and we fail the people.

I believe this is especially true with energy issues which in my opinion are neither partisan nor philosophical issues. Instead, they are pragmatic problems for which dedicated public servants of both parties in the legislative and executive branches of government can, through consensus, find solutions.

The single most important task facing the Department of Energy today is the restructuring of the Nation's nuclear weapons production complex. It will require clear and firm leadership that starts at the top and permeates the management of the Department and all its contractors.

The Department of Energy also, however, has important responsibilities for national energy policy, as well as major programs in energy research and technology. Concerns about how we produce and use energy will become increasingly important over the next several years. One of the most significant of these concerns is the Nation's growing dependence on insecure sources of imported oil.

President Bush has stated his support for measures that will strengthen the domestic oil industry, including exploration tax credits and other tax incentives. We also need to encourage advances in geoscience and enhanced oil recovery technologies to enable production of larger fractions of the Nation's existing resource base.

Being from Louisiana, I've had longstanding experience with oil and gas issues, but here I would like to borrow a page out of Admiral Watkins' testimony before this committee at his confirmation hearing. In his testimony, Admiral Watkins stated that despite his long career in the nuclear navy, he did not intend to limit his active involvement to just the nuclear side of the Department, but would be equally active in the full range of energy issues and responsibilities that face him as Secretary.

Similarly, if confirmed as Deputy Secretary, I not only intend to be active in oil and gas issues, but also will be a full partner with Admiral Watkins in directing the entire Department of Energy and all its programs.

Essential among these programs is the need to develop a long-range strategy that will enable the Nation to utilize all our available fuels. In future years, all energy resources—natural gas, coal, oil, nuclear, renewable energy and energy conservation—will be expected to contribute to our energy needs in an integrated plan that allows us to see the contribution each form of energy makes. It's essential, if the United States is to remain competitive in world markets, that our citizens and manufacturing base have a choice of abundant supplies of energy at reliable, stable prices while never forgetting our responsibilities to the environment in meeting these goals.

I believe it would be unnecessarily difficult to develop a consensus on energy issues without the long-range energy plan I discussed. In that regard, I would hope that under this Administration's leadership, the Department of Energy will consider at regular intervals the future energy needs of this Nation, the expected sources of that energy, the projected costs, and a comparison of our costs with those of competing nations. This would provide the basis for an effective national energy plan, and would be of significant assistance to us in reaching a consensus on particular initiatives. We must insure that we have the energy capacity to maintain our standard of living, our competitiveness in foreign markets and the Nation's defense.

Mr. Chairman, America should be moving toward a balanced use of all our energy resources. In working toward a national energy consensus, we need to assure that our policies recognize and address competing regional priorities and economic interests across the Nation. To this end, I intend to seek advice from all interested parties and especially the expertise of this committee. We have problems, as I've outlined here today, but I view them as challenges and opportunities.

Mr. Chairman, I look forward, if confirmed, to working with you and the members of this committee to build a consensus on national energy interests and priorities that will make our competitive economy stronger, more secure and improve further the quality of life for all Americans.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Moore follows:]

STATEMENT OF
W. HENSON MOORE
NOMINEE FOR THE POSITION OF
DEPUTY SECRETARY OF ENERGY

BEFORE THE

SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

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Mr. Chairman and Members of the Committee,

It is a pleasure to appear before you today as President Bush's nominee for the position of Deputy Secretary of Energy.

If confirmed, I look forward to serving with Admiral Watkins and working closely with this Committee and the Congress again.

Twelve of the most challenging and rewarding years of my life were spent as a Member of the other body. I quickly learned there that little is accomplished unless we work together. We must reach a bipartisan consensus or the task goes unfinished and we fail the people. President Bush in his inaugural address said, ". . . the old bipartisanship must be made new again . . . . The American people await action."

I believe this is especially true with energy issues, which in my opinion are neither partisan nor philosophical issues. Instead, they are pragmatic problems for which dedicated public servants of both parties in the legislative and executive branches of government can, through consensus, find solutions. I do indeed look forward to working with Congress again.

The single most important task facing the Department of Energy is the restructuring of the Nation's nuclear weapons production complex. Admiral Watkins and I agree that the job is much more difficult than simply changing equipment. It will require clear and firm leadership that starts at the top and permeates the management of the Department and its contractors.

The Department of Energy also has important responsibilities for national energy policy as well as major programs in energy research and technology. Concerns about how we produce and use energy will become increasingly important over the next several years. One of the most significant of these concerns is the Nation's growing dependence on insecure sources of imported oil.

A priority of the Bush Administration will be to reduce the Nation's reliance on unstable foreign energy sources by encouraging greater domestic energy production, by exploring the benefits of continued deregulation where warranted, and by promoting greater energy efficiency through research and development. These steps, however, must be taken in a manner consistent with the need to protect the quality of our environment.

President Bush has stated his support for measures that will strengthen the domestic oil industry, including exploration tax credits and other tax incentives. We also need to encourage advances in geoscience and enhanced oil recovery technologies to enable production of larger fractions of the Nation's existing resource base.

Any effort to reduce our oil dependence must deal directly with the transportation sector, which today relies almost entirely upon oil. Alternative fuels, such as compressed natural gas, methanol, ethanol, and more efficient use of fuel may help change this in the future.

As long as we remain vulnerable to disruptions in the flow of imported oil, we will need the protection afforded by the Strategic Petroleum Reserve (SPR). The SPR is a national energy insurance policy that reduces our vulnerability to politically motivated oil embargoes and other serious oil supply disruptions. We should continue building the SPR to achieve even greater levels of protection and we should continue to encourage our allies to create and maintain similar strategic reserves.

Being from Louisiana, I have had long standing experience with oil and gas issues. But, here, I would like to borrow a page out of Admiral Watkins' testimony during his confirmation hearing before this Committee. In his testimony, Admiral Watkins stated that despite his long career in the nuclear navy he did not intend to limit his active involvement to just the nuclear side of the Department, but would be equally active in the full range of energy issues and responsibilities that face him as Secretary.

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Essential among these programs is the need to develop a long-range strategy that will enable the Nation to utilize all our available fuels. In future years all energy resources--natural gas, coal, nuclear, renewable energy, and energy conservation--will be expected to contribute to our energy needs in an integrated plan that allows us to see the contribution each form of energy makes. It is essential, if the United States is to remain competitive in world markets, that our citizens and manufacturing base have a choice of abundant supplies of energy at reliable, stable prices while never forgetting our responsibilities to the environment in meeting these goals.

As this period of energy transition unfolds, natural gas will be an increasingly important fuel because it is clean, abundant, efficient, and can readily displace foreign crude oil in many applications. The development of a more competitive natural gas industry and a larger gas market would be encouraged by completing the wellhead price decontrol process.

Another important fuel over the next few decades will be coal, this Nation's most abundant fossil fuel. Our national energy policy must acknowledge coal's potential as an important fuel for the future and support greater use of coal and development of clean coal technologies, consistent with environmental constraints and objectives.

Nuclear power is an important energy resource, providing nearly 20 percent of the Nation's electric power. To ensure that it remains an option for electric utilities, we need to resolve concerns about plant safety, nuclear waste disposal, and the unnecessary costs that result from lengthy and unpredictable licensing procedures. DOE's research to develop a new generation of reactors with improved safety systems and proposals to remove uncertainties in the licensing process can help resolve those concerns.

Today, renewable energy options are a mix of conventional and emerging technologies. Renewable resources--primarily hydroelectric, wood wastes, and wood by-products--account for about 9 percent of U.S. energy use. In a balanced national energy policy, geothermal, wind, photovoltaics, solar-thermal, and biofuels can be expected to make increasingly greater contributions in the future.

Lastly, the Nation should continue the progress made in recent years in bringing new, more energy-efficient technologies into the marketplace. In many applications, energy efficiency is the least costly energy alternative.

I believe it would be unnecessarily difficult to develop a consensus on energy issues without the long-range energy plan I discussed. In that regard, I would hope that under this Administration's leadership the Department of Energy will consider at regular intervals: the future energy needs of this Nation, the expected sources of that energy, the projected costs, and a comparison of our costs with those for competing nations. This would provide the basis for an effective national energy plan and would be of significant assistance to us in reaching a consensus on particular initiatives. We must insure that we have the energy capacity to maintain our standard of living, our competitiveness in foreign markets, and the Nation's defense.

Environmental concerns play an important part in determining energy choices. The evidence to date provides cause for concern about global climate change and we should move ahead with an aggressive research program to reduce the important scientific uncertainties.

At a time when the competitiveness of America's industrial and commercial base is being challenged, it is important to recognize the contribution that technology and basic research can make. The Department of Energy's National Laboratories employ some of our country's brightest and most innovative scientists and engineers and are a valuable national asset. The laboratories should be supported in both basic research and efforts to transfer useful technology to the public, industry, and universities.

Mr. Chairman, America should be moving toward a balanced use of all our energy resources. In working toward a national energy consensus, we will need to assure that our policies recognize and address competing regional priorities and economic interests across the Nation. To this end, I intend to seek advice from all interested parties and the expertise of this Committee. We have problems as I have outlined here today, but I view them as challenges and opportunities. Mr. Chairman, I look forward, if confirmed, to working with the Members of this Committee to build a consensus on national energy interests and priorities that will make our competitive economy stronger, more secure, and improve further the quality of life for all Americans.

The CHAIRMAN. Thank you, Congressman Moore.

I know that you are a strong believer in a national energy policy because we have talked about it. Your whole public career has been engaged in that endeavor. As I go around the country, all parts of the country, liberals, conservative, Democrats, Republicans, all say we need a national energy policy. And I think most people feel that we really don't have one, that we need a better policy.

I'd like to suggest that a policy can be summed up in three simple words: "Made in America." If we can learn to use the resources we have and develop the policy here at home in order to be able to use those resources, then we can have a good national energy policy.

For example, look at coal. The United States has an abundant coal resource. We ought to try to learn to burn that coal cleanly, to develop technology to do so.

We need to learn to extract our natural gas to be able to transport it to markets to do away with regulation which is unnecessary with respect to natural gas. I know you share that view.

We need to develop our domestic resources of oil. Oil imports at last check were 53 percent our domestic use. And we have to find a way to drill, transport, refine, distribute and burn oil in a clean and environmentally safe way. But we need to do it with a "Made in America" label.

The same thing applies to nuclear energy. We invented most of the techniques, most of the processes, and yet it takes us over twice as long to build a nuclear plant than it does in France using our technology or Japan using our technology, or it does in Sweden or other countries around the world.

Even our conservation needs to be made in America. There are many who think—and I am one of them—that conservation is perhaps the greatest area for, in effect, "new production," but it has to be done in America.

Now, the alternative to that is to import, and importation is really our policy now. So, I think what we have to do is reverse that policy, have it made in America, oil, gas, coal, nuclear and conservation all made in America. That is our challenge on this committee, it will be your challenge as Deputy Secretary, and I know Admiral Watkins believes that.

Now, that's kind of a softball because I know you agree with that, and I'll just let you comment briefly if you will.

Mr. MOORE. Senator, we do agree fully. Admiral Watkins does. We believe the President does from what we have learned so far in fleshing out the beginnings of a national energy policy. We know this is a grave matter of national security, the fact that the oil imports are increasing dramatically, our consumption is going up, and that we seem to be falling behind.

If you would listen to some in our society, there is no energy source that's acceptable. They can find something wrong with every single one, and if we don't begin to meet that and convince the American people and certainly great deliberative bodies like the House and Senate of the Congress of the United States to construct an effective energy plan to make it possible for us to develop all of our forms of energy, we're going to find our country in very serious straits, even worse than before 1973. And that's something that would be a failure on our part if we let it happen.

The CHAIRMAN. Let me mention one other thing before I turn it over to other members.

We had a highly controversial oil regulation policy in this country back principally in the 1970s. We put it in the statute in 1973. It was finally phased out after efforts of you and me and Senator McClure and most of us on this committee. We finally began to phase out oil price regulation in 1978. Jimmy Carter started it and Ronald Reagan accelerated it.

In September 1981, Rayburn Hazlick, who was the Reagan nominee for the Economic Regulatory Administration, came before this committee and we talked about the tremendous delay in these enforcement proceedings by ERA under that oil overcharge program, and he said don't worry, Senator. We're going to get this thing wound up. We're going to prosecute the cases, collect that money which is due to the United States for overcharge and shut her down.

In June of 1982, Hazlick sent me a letter pledging completion of the remaining ERA overcharge work by the end of the fiscal year. That was in June of 1982.

It continues to go on. They continued to invent new legal theories. As of just a few months ago, they were continuing to bring cases under rules which had expired over eight years before where the witnesses were gone, the evidence was gone and people were being prosecuted under new theories, under old audits.

I guess the most ridiculous one was where a secretary was charged with this brand new theory. Even though she had made $300 or $400 a month and owned little or no stock in the company and was just a secretary, she was charged under the central figure theory with having the responsibility for the whole company. And it seems to me she was sued for like $26 million or some figure like that. The poor lady has since died. But it is regulation run amuck.

Now, I hope as Deputy Secretary, you will see that justice is done. Of course, we want to collect every cent that is due the government. But surely, after all these years, we can wind up that regulatory program. Really, I think that's what President Reagan was talking about when he ran for office and he said we need to do away with the Department of Energy. He wasn't talking about nuclear weapons. He wasn't talking about our national labs. He was talking about oil regulation. So, I think it is time now to finally wind that up.

We have talked about this before, but I want to put it on the record. And I want to emphasize that I want every cent to be collected, but we don't want to have this regulatory administration just perpetuate itself, a buzzard's roost for people to preserve their jobs by stretching out the amount of work to the longest period of time. People who suggest that there is this huge pot of gold out there if only they will be allowed to proceed. I want them to collect the pot of gold, but they have had time. And I think it's time to put up or shut up, and I hope that the response will be to close the cases and shut down that administration.

Mr. MOORE. Mr. Chairman, we understand and do agree fully with you. As you are aware, with your assistance and that of the committee, progress has been made as the number of employees of that office is down from an all-time high of two thousand down to 138. Some of them have been transferred now to the Assistant Secretary for Fossil Energy getting ready for the day when this office does close down.

I am being told in brief that no new suits are being brought, and we're now waiting for those in the pipeline to be finished up before the Bankruptcy Court and the courts.

So, we share fully your idea that it's time to end it unless there is a valid claim there that can be paid and should be brought. And we believe we have reached the end of that string.

The CHAIRMAN. Thank you.

Senator McClure?

Senator McCLURE. Thank you very much, Mr. Chairman.

Senator NICKLES. Would the Senator yield just for a half a second?

Senator McCLURE. Surely.

Senator NICKLES. It is going to be necessary for me to leave, and I would just like to, one, thank Senator McClure and compliment the President on his selection with Henson Moore and also John Tuck and Donna Fitzpatrick. I think he has made some outstanding nominations, and I look forward to their speedy confirmation. I look forward to working with all three. And I apologize that I need to excuse myself.

Thank you, Mr. Chairman.

I'll have a couple of questions I'll submit for the record.

The CHAIRMAN. Thank you very much.

Senator McCLURE. Mr. Chairman, I suspect we could spend all morning just going through the list of energy questions and policy choices that confront the administration and this country. And I'm not going to take time to do that, but I do want to take a little bit of time to look into a couple of issues at a little length, and I will submit the balance of my questions for the record.

Mr. Moore, I know that you share the conviction with members of this committee that, indeed, oil dependence poses a threat to the security of this country. But I think we would be doing a disservice to the country if we didn't again state that at every opportunity, and I wonder if you would make a remark or two about your own concern about that question.

Mr. MOORE. Senator, you're absolutely right. We went through this in 1973 and 1974, and I guess people tend to forget. In the time of very cheap oil prices, unusually cheap oil prices over the world right now, I think we've gotten a little bit loose in our conservation. We've also gotten to where we don't think there's a problem, and we have made ourselves even more dependent upon foreign sources than we were when our last problems surfaced.

It is a problem. It's a threat to national security. It's a threat to the standard of living of Americans. It's a threat to our ability to be competitive with economic competitors in the European Economic Community and Japan and the Pacific Rim. We need to move as part of this national energy plan to address these problems, and it's the responsibility of those of us who are going to be the stewards of a national energy policy to make that point at every turn and to bring back to the consciousness of the American people and their lawmakers, if necessary, the fact this is a very serious problem that needs to be addressed.

Senator McCLURE. Again, I don't want to overstate it, but I don't believe we can miss the opportunity to remind the American public that, indeed, we've been economic hostages in the past. The potential is that we can be that again, that it can have the same kind of economic consequence to us, that it bore at least part of the responsibility for the recession in the early 1980s. I believe very strongly, and I think you do too, that it would be irresponsible for the Congress of the United States or this administration to ignore that potential problem for this country.

Mr. MOORE. Anything we do, Senator, to increase the imports of oil is harmful to the country, very much so.

Senator McCLURE. Not only in energy terms, but in direct economic terms as well.

Mr. MOORE. Balance of trade, absolutely.

Senator McCLURE. When President Bush announced your selection as Deputy Secretary of Energy, he stated—and I quote his statement—"I am convinced we are not going to solve the national energy needs of this country through hydrocarbons alone or through wind and thermal or coal alone. We must safely use nuclear power." Now, that statement is obviously taken out of the context of a much larger statement, and I don't ignore the balance of that statement either. But I do want to focus on that portion of it for just a moment.

What do you see as DOE's roles in terms of policy direction and in terms of programmatic content that are necessary to help remove the obstacles to further use of nuclear power in this country?

Mr. MOORE. There are a number of things, Senator, that it's our obligation to do. The Admiral feels strongly about this, as do all of us who will be joining his team and carrying out the President's dictates.

The first is we've got to move to do everything we can to modernize the regulatory scheme at the Nuclear Regulatory Commission to make it possible to bring a nuclear reactor on stream in a much more reasonable way than current regulations require.

Second and a part of that, we've got to move toward a standardized reactor as many countries have done so that one knows that this type of reactor is approved and will abbreviate the time needed to get a reactor on stream.

Thirdly, we've got to solve and move very quickly to do everything possible in an environmentally safe manner to get on with the business of a permanent repository for nuclear waste so that people know that as the waste is generated, there is a very sound government-run program to accommodate that waste.

And fourthly, we've got to be the bully pulpit. We've got to speak out on how this is important to the Nation's energy picture, and you can't take any one of these ingredients and put it on a shelf and say forget it and not have this country suffer. And so, nuclear power has got to be part of that picture, and it's going to be our job to do everything we can to make that known.

I would hope the Department speaks out, more than anytime in its past, particularly in the area of nuclear power, and I think that you may well see that happen.

Senator McClure. I have some other questions about the civilian nuclear program. The main focus of the nuclear activities of the Federal Government in recent months has been upon the weapons program. You have the responsibility in the Department of Energy for the administration of that program as well. You are the producer and the Department of Defense is the customer, if you will, for the products that come from that.

Let me ask a couple of questions, though, before shifting to that because it is a very high priority, but I don't want it to overshadow all the rest.

I am very much concerned about what has happened with respect to the Shoreham power plant. It is inconceivable to me that the Long Island Lighting Company should be held hostage to a deal that would actually pay them to abandon the Shoreham plant. If Governor Cuomo is successful in his efforts to make this deal happen, I guarantee you that someone will ultimately pay for what I believe to be an irresponsible policy. And I suspect the victims will not only be the taxpayers and the ratepayers, but also the citizens of New York State who entrusted their wellbeing to leaders who have misplaced that trust.

Would you agree with me that something is grossly wrong with our national energy policy that has somehow allowed this situation to arise?

Mr. Moore. Senator, that's being studied in the Department right now, and perhaps at the time when the committee has a hearing on this subject, we'll have testimony approved to address that.

My personal opinion—and I underline personal because it has not been cleared by the clearances we have to go through in the executive branch—is that I find it inconceivable that that plant can be closed down and have that not affect the national energy plan, in particular having energy for people in the northeastern part of this country. And that's our concern. Our concern is that the quality of life of the people in Long Island and the surrounding areas not be diminished, that they not pay more for power than people in other parts of the world as that would affect business and industries that operate in Long Island. It may force them to have to look elsewhere.

And so, I think it's unconscionable at this point that that plant should be shut down when it is a state of the art plant and since Three Mile Island, the operation of civilian nuclear power plants has improved very measurably to the point today that I think they are conceivably one of the safest forms of energy that we can use in this country.

And certainly it would be inconceivable to me that you would just shut that plant down and not have it operate and have someone believe somebody is not going to pay a price for that. That's the inconceivable thing to me. Somebody is going to pay a hefty price for that plant shutting down and trying to replace that with some other form of energy, most probably oil. We've already addressed the fact that importing more oil for power generation is not the right thing to do for the Nation's energy security or the Nation's economy and the balance of trade.

The CHAIRMAN. If the Senator would yield, we are trying to set up a hearing—I don't know whether we have a date yet—for the general subject of electric power sufficiency in the northeast. I think it is a very serious question. I've heard it phrased by people in the power business in the northeast that the next energy crisis will be the brown-outs and perhaps blackouts in the northeast caused by electric power insufficiency.

I am advised now that the date for that hearing is April 13 at 9:30 a.m. And we would invite the participation by the Department of Energy on that question which involves not only Shoreham, but the whole question of sufficiency of electric power in the northeast.

Senator MCCLURE. Of course, I share with the Chairman the statement of concern about power sufficiency, and that is certainly a part of the same question.

I will submit some questions for the record with respect to nuclear waste disposal and uranium enrichment rather than taking the time of the committee at this particular time to go into those issues as well, and also some with respect to advanced reactor research.

I've heard talk about a total disbandonment of the Office of Nuclear Energy, which not only houses advanced reactor research, but also houses uranium enrichment and remedial action programs. Have you any knowledge of such discussions? Is there any truth to these rumors?

Mr. MOORE. Senator, I've not heard them. I will certainly check into them and we'll reply back to you. I'm not aware of such.

Senator MCCLURE. I have to tell you that I for one would be strongly opposed to such action. I would caution you to preserve and enhance the strengths of this office rather than dismantling it as rumor suggests.

Just very briefly, because it does have such high profile, is in the news so intensely and is a matter of such great concern to the Nation, I think it would be perhaps almost unthinkable if we didn't mention something with respect to the management of the nuclear weapons program.

Do you support the two-reactor strategy as proposed by the Department of Energy last year as the best means of reducing the risk of losing our production capacity?

Mr. MOORE. Yes, Senator. The idea would be that we think there is great wisdom in having two reactors at two different parts of the country for security reasons and to also use different technologies to see which is the best and to help advance the cause of further nuclear research in this country. So, we do support that, and I support that.

Senator MCCLURE. I have an expanded comment I'll place in the record at an appropriate point, and I agree, of course, with the statement that you have just made. I think it needs to be underscored again and again, and I know that Admiral Watkins has upon more than one occasion testified already and rather eloquently I believe about the need for that program and for that policy choice.

Lately I have been hearing renewed rumblings about a possible restart of the N reactor as an alternative to a two-reactor strategy. I'd caution you that these types of rumors can only be detrimental to our national security and should be countered with the facts that include that the N reactor had a limited lifetime in any event and could only serve as an interim stopgap measure should we have difficulties restarting any one or all of the Savannah River reactors, the fact that full-scale production of tritium at the N reactor has never been demonstrated and is not a certainty, the fact that, like it or not, there is significant technical as well as political hurdles to overcome before that reator will ever run again.

To the extent that discussions of the N reactor or other options, options that have already been considered and rejected by NAS, ERAB, DOD and DOE, delude our focus and commitment to the two-reactor strategy, we imperil the future nuclear deterrent capability of this Nation. And I would caution you not to be a party to any such activity.

I very much appreciate the statements that you and Admiral Watkins have made in that regard, and I commend you for it and urge you to continue just on the course you have already outlined.

The largest single task, immediate task, one with urgency, priority and again high profile is that DOE will have to deal with the modernization of the aging weapons complex and the restoration and remediation of the DOE sites that have been used over the last four decades.

I understand that DOE will be coming out with a five-year plan that speaks to the more near-term costs, priorities and schedules with respect to the cleanup of various DOE facilities. Do you know when this plan will be completed?

Mr. MOORE. The Admiral is the one who has devised this plan. I personally think it's a brilliant stroke. The way to attack a huge problem is to take it off in bite-size chunks and five years is a good bite-size, a good mouthful of a program. He intends to have that ready by August. And he is working on it, and I think that progress is being made.

But one difficulty we've been having, and I know it is causing us problems with the civilian nuclear waste program is the fact—and I think I would be remiss not to point this out to the Congress—that it's very difficult to find technically competent people to assist us in doing this at the salaries we are able to pay. These people are making a great deal more money in the private sector living in towns a great less expensive to live in than Washington.

So, the Admiral is moving forward with the program. We're all giving him the help we can. It's expected to be available in August.

Senator MCCLURE. Well, I think there is nothing of greater urgency than starting that program and reestablishing public confidence and trust which has been lost. There's no secret about that and no need for us to try to avoid the discussion of the fact that the American public has felt lied to, deceived and misled by the Department of Energy and others in our government with respect to the problems at the weapons complexes.

That's a matter of constant discussion in my State where one of the national laboratories is located and where some of these facilities will be located, I hope, in the future. But there are a lot of people that don't trust anything that you say and don't trust anything that I say because they have been conditioned by events in the past to believe that there is something worse coming that they haven't yet been told of.

Mr. Moore. Senator, I couldn't agree more. The key word the Admiral uses over and over and over again where it is now indelibly imprinted—if you don't see it on my forehead, it's on the inside—is the word "credibility'. He is insistent upon every work product that comes out of our Department to be as credible as humans can make it in this country.

If you find or if you hear that we have done or said something that is not credible, we would certainly appreciate hearing from you because it's not our intention. It's our intention to solve the very problem you are talking about, coming forward with a workable program that realistically ranks the severity of these sites and the realistic appraisal of the cost, then assign project managers to each one of them and get on with getting it done so that you as the elected Senators from each State can talk to the people back in your State and produce a document that you have seen that we're going to live up to.

Senator McClure. I thank you for that statement. I will not belabor that subject further at this time, but I know you and I will be discussing it both publicly and privately over the weeks and months ahead.

I will also submit some questions with respect to the Waste Isolation Pilot Plant, nuclear safety programs.

I do want to ask one question at this time about the special isotope separation plant. Mr. Moore, you have not only been a Member of the Congress, but you have now been on board in an acting capacity for some weeks now and you've had an opportunity to review the Nation's weapons program. Based upon your experience and the knowledge that you have of the Nation's weapons program, is there a need for new plutonium production facilities?

Mr. Moore. Yes, Senator, from what I've seen so far, there is. And the SIS program appears to be something we need to definitely pursue.

Senator McClure. There are a number of people who question that. I had a young man in my office. He said, Senator, you may think you have experts on your side, but we have experts behind us too. And he said you're wrong. I said he was entitled to his opinion. It's a free country.

You're one of my experts. Am I entitled to say to that young man, now, Henson Moore says he's wrong? Our experts are better than his.

Mr. Moore. We'll do our best, Senator, to prove him wrong. [Laughter.]

Senator McClure. I also have some questions with respect to the relationship between DOE and FERC and the authority that DOE does have under the statutes that provide for the Federal Energy Regulatory Commission. I'll not take the time of the committee at this time to ask those questions. I will submit them, however, for the record. I would also just note that I will submit also some questions with respect to the Bonneville Power Administration and its relationship to the Department of Energy.

Thank you very much, Mr. Chairman.

The CHAIRMAN. Thank you, Senator McClure.

I think Senator Bingaman was here first.

Senator BINGAMAN. Thank you, Mr. Chairman.

Congressman Moore, I want to join with the others who have spoken about the favorable reaction I have to your nomination and, of course, to the nominations of John Tuck and Donna Fitzpatrick. I think that we do have a new team that in my view looks very capable in the Department of Energy. It is extremely important for us to have this team in place because there's an awful lot to be done.

You indicated there is a five-year plan being prepared with regard to the nuclear weapons complex cleanup and that the plan will include specific projects and a schedule and people responsible. Do we have something similar being prepared in this area of energy. I mean safe nuclear energy production, clean coal, renewables? Will we have a schedule for what we hope to do in the next couple of years or the next five years. And if we're preparing such a plan, when would we be able to see such a thing?

Mr. MOORE. Senator, we are. You and I have discussed this over the telephone and once in your office.

We agree with you and we're on absolute parallels about the essential nature of such a plan. It is awfully difficult as a Senator to have to face certain issues without knowing where these things all fit in a national road map of where we're going to get out energy and how much we need.

Yes, we are preparing that. The law says we're supposed to have had a national energy plan to you by April 1. We can't meet that under the Bush Administration. Our team is not even on board yet. We would ask that you give us time to prepare it, and we would hope that certainly before April 1, 1990, you would have that plan.

We're trying to rebuild and come out with the Nation's finest model in this area, an econometric computer model that helps us sit down and put into it information—the National Academy of Sciences has offered to be of help to us in this regard—to really try to build the very best base plan we can in terms of what we know. And have that model be an ever-living thing, changed as new discoveries come out or as new information is made known so that on any given day we can answer your specific questions such as, "Do we have to do this?" "What part does it play?"; What's it going to cost?" When is this going to be on stream?"; or "When is that going to be on stream?"

It is not just oil and gas we're talking about, all forms of energy, conservation, new technology, solar, all of it. And we hope to be able to have this no later than April 1, 1990.

Senator BINGAMAN. Well, I compliment you for working to put that together and make that really state of the art, but I do think that to the extent you have specific plans in various areas that you can advise us of at an earlier date, I would hope that you would do so. To wait till more than a year into the new administration before we have a real sense of where you're going I think would be unfortunate. So, I would urge that as you develop specific plans in these areas, you advise us of it and advise the public of it.

Mr. MOORE. Senator, we're frustrated by a delay also. What you are asking for is reasonable, that as we know elements of that plan we bring those to you so you understand where we're heading even before we can show you the total road map. And we certainly will do that.

Senator BINGAMAN. There is one other aspect that I want you to comment on. I know Admiral Watkins has said in testimony to the House and the Senate that he saw the national laboratories as a major participant in putting together the technical know-how to do the cleanup of the nuclear weapons complex. And I certainly endorse that and agree with that and have urged that on him.

In this area of devising a national energy plan, I've seen a constantly declining role of the national labs in this area, and it has concerned me. I can recall when I was first briefed after my election in 1982, by the national laboratories in my state. The indication was that about half of their time and half of their resources was spent on defense-related work and half was in non-defense primarily in the energy area. That percentage now is estimated in the last briefing I had at about 80 percent in the defense area and about 20 percent in other areas, part of which was energy.

So, I hope that that trend will reverse itself. I see the role of the national labs in the defense area as very important, but I also see them as having tremendous capability to help the department and the country to come to grips with these energy problems.

And you indicated in your earlier statement, one of your problems is getting the technical competence you need at the salaries you're able to pay within the Department. I agree, but the one strength you've got is those national labs where they can pay a somewhat more reasonable wage and can attract and keep some of the technically competent people that you're going to need to solve those problems. So, I hope that you will use the labs in a very real way to help in the development of these plans.

Mr. MOORE. That's an interesting point you have raised. It is not something I had thought of. I'll assure you that we are thinking of it now by virtue of your bringing it up. You're right—these laboratories have tremendous capacity and they should be given a crack at looking at what we're doing on national energy policy and try to be of help to us. And so, we'll see to it that's done.

Senator BINGAMAN. Thank you. Let me ask on two specific items.

I've been very concerned that we have reduced our commitment in the area of renewables. In each of the last eight years the level of support for renewable energy development and the level of support for research and development particularly has declined precipitously. In photovoltaics, to give you an example, the 1981 Federal budget in that area was about $150 million for research. It is my understanding that in 1988 it's down to $35.5 million, and the proposal that OMB has made for 1989 is that it go to $25 million. So, that would be a 30 percent cut from the present year's funding.

Under the present year's funding, we are below what Japan is investing in R&D funds. We are below what West Germany is investing in R&D funds. And I feel that, as a long-term matter, this is shortsighted for the country. We're allowing other countries which are pursuing steady increases in their funding in this area to put their industry ahead of us in bringing the costs down for providing usable photovoltaic technology.

I hope you will look at that area and see if there is a reversal that we can make in the trend in funding in that area and see if the Department of Energy can make a commitment to once again support increased funding for research in photovoltaics.

I don't know if you have any comment on that. If you do, I'd be glad to hear it.

Mr. **Moore**. Senator, it's premature for me to comment at this point since I've not been a part of the Department, other than to simply say I know that the Admiral supports the President's budget. I can't speak to this particular issue except I share your concern. It's something we will be looking at or I will be looking at personally.

Senator **Bingaman**. One other subject I wanted to mention is the proposal—I've put in legislation to create a new position at the Department for an assistant secretary of energy for natural gas. I understand you may not be able to take a position this morning on that particular peice of legislation, but I want to call it to your attention. We're going to have hearings here in the committee on the 17th of April, and I hope that we can have testimony at that point which would be supportive of the idea that natural gas needs to be given greater priority in the energy mix for the country. I feel that some reorganization to accomplish that would be very beneficial.

I don't know if you have had a chance to review that, if you have any comments on it. If you do, I'd be interested in hearing them.

Mr. **Moore**. Senator, we are well aware of your interest in this area. We will certainly try to have some kind of a statement ready and some witness ready on the 17th of April.

There is no question of the importance of natural gas and what it can do for us in the acid rain area, and even in terms of the greenhouse effect—it does help in global warming as compared to certain other fuels. It is a clean fuel. It's something that we do have a large amount of in the United States, and once you get into using gas, I think it paves the way for gasification of coal in being able to use, perhaps, those same pipelines to move gas from one place to another.

As to how we organize the Department, that's something we'll consult with this committee on. At this point, as the Admiral says, we're more concerned about getting our arms around all of the challenges we have and trying to bring them into line. We have not really given a lot of thought yet as to how to reorganize the Department. It is premature for us.

But certainly we are very interested in what your thoughts are and we're very interested in the promotion of the use of natural gas as an increasing fuel in our country.

Senator **Bingaman**. I'll just ask about one other subject, if I could.

The Department, as I understand it—and this is a subject you may need to check into, but as I understand it, the Department does have a program to pursue the development of advanced materials, new materials, for various industrial uses and weapons uses and other needs. I think the major effort in that respect has been through the Department of Defense, the major funding at least, although the Department of Energy has pursued it.

I just returned from a trip to Japan and was struck by the level of effort there not only by government but by industry to move forward in that subject of new materials and advanced materials development. And I would be anxious to have you look at that area and assure yourself that we are doing all we can through the Department of Energy to move the country ahead in that area, working in conjunction with the Department of Defense. I feel that in the long term, that's going to be a very significant issue not only for our industrial capability, but there's going to be a tremendous industry built around the development of these new materials. And I would hate to see us on the buying end of that rather than on the selling end of some of it.

Mr. MOORE. I fully agree. We're doing some work now in the conservation area and renewable energy area in ceramics which is showing tremendous potential. But you're quite right. I think there is a great deal more that could be done in this country in that area and I hope we do engage in that.

Senator BINGAMAN. Thank you very much. I appreciate it.

The CHAIRMAN. Senator Burns?

Senator BURNS. Thank you, Mr. Chairman, and good morning, Mr. Moore. It is nice to have you here. It is my first acquaintance with you. Let me congratulate you on being the choice of the President. I think it's a great choice from all that I've read.

Senator Bingaman just took my question away as far as natural gas. I had a couple of questions there, and you've answered them very capably. So, I'll not dwell on that.

Of course, we talked about the production of electricity in this country which fits into the overall picture. We have a facility in Montana called MHD, and that started off as a research not only in ceramics that you've already alluded to and also using high temperatures and using low sulfur coal because not only do we know that in the production of energy we've got an environmental—some concerns there. And I would like to at this time invite you to that facility. It started off as a research in energy, and now it has taken off in a couple of other directions which I think is kind of exciting, and we'll dwell on that a little bit later.

But we think we have some very positive things happening in that facility as far as the production of electricity and, of course, it fits into our clean air and clean coal technology. And I would just ask you if you have had an opportunity to look over what they're doing at that facility and would invite you some day to—maybe we could travel to Butte, Montana and take a look at it to get an update on what they're doing and the research that's coming out of that one of these days, and if you have any attitude toward that type of research.

Mr. MOORE. Senator, I have done some reading on it. As a matter of fact, we were discussing it yesterday. It is going to require a little more technical knowledge than I have brought to bear so far. It's going to need a great deal more study.

Senator BURNS. A trip may be in store.

Mr. MOORE. I intend to do that, and I can't think of a better place I'd rather visit than Montana. So, maybe that's the thing we're going to have to do.

Senator BURNS. We're coming up to a season that is a lot better than we just passed. We had a hard time selling the global warming idea in January. [Laughter.]

But I'd certainly invite you. Maybe one of these days we could make that trip and go over some things out there because there is some innovative things happening there that is sort of—has taken them in new directions, and I'd like for you to see that firsthand.

Mr. MOORE. We're aware of it, and it does show promise. And I would like to see it firsthand.

Senator BURNS. I have a couple of other questions I'll submit for the record, Mr. Chairman.

Congratulations. You'll have my vote.

Mr. MOORE. Thank you, Senator.

The CHAIRMAN. Senator Ford?

Senator FORD. Thank you, Mr. Chairman.

I've had an opportunity to visit with the Congressman, and my questions were answered basically when we had an opportunity to just quietly sit down and talk about some things of interest to both of us. You will find most Senators are parochial and I yield to the experience and intelligence of Senator McClure in the nuclear field. We're just down there like some of the others trying to work out a natural resource we have known as coal, to use it every way we can.

We talk about the trade imbalance. And you mentioned earlier in a question I believe from Senator Johnston about conservation that it was probably the largest producer you could have today. I just left the Commerce Committee where we were discussing some of these problems. In trade, the Pacific Rim was probably number one and number two shortly will be EEC, and we will wind up as third in the world. And we continue to decline. It bothers a lot of us because we're looking outward instead of inward, and we encouraged Secretary Mosbacher today to not let the Defense Department and State Department run the trade policies of this country. We don't buy many friends. We just say we don't want them to get their nose out of joint, give them whatever they want to our detriment. And we continue to slide, as you are well aware.

Are my figures correct that our domestic production of oil is about 750,000 barrels short per day for the transportation needs of this country?

Mr. MOORE. Senator, I'll have to take a look at that. I know that we are now importing almost an equal amount to what we produce, and that two-thirds of what we consume in this country goes into transportation. I'll have to take a look at the exact point you're making.

Senator FORD. It's my understanding, Mr. Chairman, in the CAFE hearing yesterday Senator Metzenbaum held I think, that this figure was thrown out. So, if that is true and my understanding is that in January we imported over 50 percent of our daily use——

Mr. MOORE. That's right.

Senator FORD [continuing]. That those states, Louisiana and Texas and Oklahoma and other oil producing states, are not being encouraged to find new sources. We're not doing the kind of things that are necessary.

I'm from a consuming state, Mr. Chairman, as you know, except for the production of coal. And as far as oil and gas, percentagewise we are largely a consuming state. But I am interested in trying to figure out a way.

I'm not one that would back off from a fee on imported oil for two reasons. One, we'd take the money and apply it against the debt. And secondly, it would encourage domestic production I think when you raise that price to try to look inward.

I think we have clarified the problem we have. Not only is our deficit and balance of trade affected, I guess probably the largest item that we'd get into that kind of problem—the two cancers, national debt and trade debt.

How close are we to some kind of recommendation as it relates to clean air, particularly acid rain legislation?

Mr. **Moore**. It is my understanding that a bill is being worked on in the administration, the Department of Energy. The Admiral himself is working on this as we're very concerned about how this impacts the energy situation in this country. It is my understanding that the administration intends to submit a bill I think sometime in May. I'm not sure of the date, but I think that's the deadline they're looking at.

Senator **Ford**. Do you think we could probably feel fairly confident at a June 1 date, by June 1? I say fairly confident.

Mr. **Moore**. I really can't answer the question, Senator. That's the time I'm hearing, but I've not really been a part of those meetings. The Admiral has been attending those meetings and working on the clean air bill.

Senator **Ford**. There is some concern that there may be drastic recommendations—not necessarily by the administration, but maybe others, and maybe they're already out there. There are so many bills being introduced now—there is a feeling that we will mandate scrubbers on a certain number of the large polluters. And I guess you're aware that if we set a date certain to have them in place, that we don't have the ability to manufacture scrubbers in this country. We have maybe two companies that could do that, and then we would be forced under our legislation, if that occurs, to secure scrubbers from other countries.

I would hope that we would not be placed in that position, that whatever we are forced to expend, that we would do that on clean coal technologies.

I'm concerned about the purchase of gas boilers in this country. They're going at a very fast rate because they're anticipating. Well, if you get locked into gas, it's awful hard to convert. It's probably the hardest one to convert to others. That gives me pause.

We had a gas shortage in Dallas or somewhere. I think it was the distribution system that was short, but you couldn't get gas—and you had to invoke an energy policy in that area. So, even though gas may be out there, we have a problem with the distribution system. And then if you're locked into gas, that locks in probably higher prices, wouldn't it?

Mr. **Moore**. Senator, you're right. You're touching on the fallacy of picking any source of energy as the solution for this country. You can't do that. Coal absolutely has to play an integral part in all of this.

Senator FORD. Gas has to play a part. Nuclear energy has to play a part. All of it has to be a part of trying to stave off the huge amount of our dollars going out of the country in order to take care of our insatiable appetite that seems to be growing now that gasoline is under a dollar and all that. We just burn it as fast as we can and big cars and we just keep right on going, you know.

So, I have that kind of problem that worries me a great deal that we're going to react one of these days because we're going to have another shortage. If we're over 50 percent import now—and I guess in 1973 and 1974—you remember that well—we were at about 30 percent. Isn't that about right? We were at 30 percent import?

Mr. MOORE. Our walking computer back here says that's right.

Senator FORD. I've dealt with her before, and I accept her answers. [Laughter.]

Mr. MOORE. I do too. That's why I turned to her.

Senator FORD. We don't always agree, but we never get disagreeable.

Mr. MOORE. All I remember, whatever it was, it was too much.

Senator FORD. That's right.

Mr. MOORE. It really caused the country a problem.

Senator FORD. But then we were at 30 percent and now we are at 50 percent.

I think Senator Burns invited you to Montana. I'll invite you to the beautiful blue grass state. We have all kinds of coal, good and bad. The bad can be used with clean coal technologies, and the other—I'm not sure you can burn it direct if we have the wrong kind of acid rain legislation. So, that creates an additional problem for us.

We're not as fortunate as Wyoming maybe where they have 50 foot seams and we have 50 inch seams. But it takes two tons of their coal to equal one ton of ours as it relates to Btus. So, where there's always a down side to everything or up side to everything, I'm not sure.

I just want you to know that I consider a proper energy mix to be important. Acid rain is one that I want to work very hard on to see that we get a proper balance so that we can move without too much restraint or opposition once the bill is put into place because if we have something that is reasonably agreed to, then we're going to find acceptance among all phases of the industry. We could move on without too much pressure that would be required by you and your Department to force it.

I know you have knowledge of this particular area, and I look forward to working with you and look forward to your nomination receiving immediate or almost immediate support. And I have visited with the other two witnesses who will be here today, and I'm looking forward to working with them also and casting my vote in their favor.

Thank you, Mr. Chairman.

Mr. MOORE. Thank you, Senator. I assure you we share your concerns. I know the Admiral has taken that into the deliberations on the clean air bill.

Senator FORD. I'm a nice fellow till you step on me. [Laughter.]

Mr. MOORE. We're going to try real hard not to do that.

The CHAIRMAN. Congressman Moore, you have been subjected to a very vicious grilling this morning I know. [Laughter.]

But we do really welcome your appointment, and our next business meeting is on next Wednesday when I confidently predict you will get a unanimous endorsement for the floor and will bring your nomination up on the floor as fast as it can possibly be brought up. My congratulations to you and to Carolyn and to the administration for what I know will be an excellent service as Deputy Secretary of Energy.

Mr. MOORE. Senator, thank you very much. I want to thank you and I want to thank your staff and the staff of Senator McClure, the majority and minority staff. They have been just a delight to work with over these long two and a half months we've gone through this process. Any delays have not been here. This committee has been as expeditious as any committee could have been and we appreciate that.

The CHAIRMAN. Thank you very much.

Mr. Tuck? Miss Fitzpatrick, if you would come up also at the same time.

STATEMENT OF JOHN C. TUCK, NOMINEE TO BE UNDER SECRETARY OF ENERGY

Mr. TUCK. Thank you, Mr. Chairman. Before I begin my opening statement, I'd like to introduce my wife Jane. Would you stand up for a second, Jane? And at the risk of overusing the naval theme——

The CHAIRMAN. Glad to have you here, Jane.

Mr. TUCK [continuing]. Jane is the backstay, the mainstay, the mizzen, the mainsail, the rudder, and the keel of the Enterprise Tuck. I'm glad she could be here this morning.

And also I would like to say publicly how very much I appreciate Senator Baker taking the time and rearranging his schedule to come and afford me the very gracious and kind introduction that he did before this committee this morning.

Let me briefly summarize my statement and I'll insert the balance in its entirety for the record.

I appreciate the opportunity to appear before you today as President Bush's nominee to be Under Secretary of the Department of Energy. I welcome the opportunity the President has given me to serve in this important role. If confirmed, I echo Secretary Watkins' commitment to work closely with the Congress and this committee to carry out the Nation's energy policy. I assure the members of this committee that I will do my very best to efficiently and effectively implement the Administration's energy programs.

If I am confirmed, a portion of my role at the Department of Energy as Under Secretary would be to discharge the statutory responsibilities in the area of energy conservation. In this effort, I will work very closely with the Assistant Secretary for Conservation and Renewable Energy. I am also committed to working very closely with this committee to pursue opportunities to improve our energy efficiency.

The President has said that the Department has important work to do, that we are on the cutting edge on issues of national security, competitiveness and environmental quality, and that the Department has his full support and is here to stay. I strongly support the President's energy policies and believe that the Department of Energy must provide the appropriate leadership and develop an integrated energy strategy.

Admiral Watkins has stated at his confirmation hearing that he wants to reward excellence, reject and deal swiftly with incompetence, correct the root causes of problems and instill a peer pressure that creates an excitement for excellence. His dynamic leadership will spark the Department of Energy so that it can credibly implement the laws and programs that the Congress and the Bush Administration agree will help improve and manage the complex energy-related tasks that we face as a nation.

We need to continue to work toward a balanced and mixed energy resource base and not rely on a single energy source. The President and the Secretary have consistently stated that this policy is designed to assure that our mix of energy supplies is appropriate to our economic goals and to our national security interests. To do this in the most productive and efficient manner, we should certainly minimize intervention in energy markets while preserving the public health and safety.

If I am confirmed, I am proud to have the opportunity to join the Department of Energy team with Admiral Watkins at the helm and hopefully, given your commitment, Henson Moore at the lee helm. If confirmed, I welcome the opportunity to work with each member of this committee and I want each of you to know that I will seek your suggestions and guidance and be responsive to your needs and requirements.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Tuck follows:]

STATEMENT OF JOHN C. TUCK

NOMINEE FOR THE POSITION OF UNDER SECRETARY

OF THE DEPARTMENT OF ENERGY

BEFORE THE

SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

APRIL 5, 1989

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I APPRECIATE THE OPPORTUNITY TO APPEAR BEFORE YOU TODAY AS PRESIDENT BUSH'S NOMINEE TO BE UNDER SECRETARY OF THE DEPARTMENT OF ENERGY.

I WELCOME THE OPPORTUNITY THE PRESIDENT HAS GIVEN ME TO SERVE IN THIS IMPORTANT ROLE. IF CONFIRMED, I ECHO SECRETARY WATKINS' COMMITMENT TO WORK CLOSELY WITH THE CONGRESS AND THIS COMMITTEE TO CARRY OUT THE NATION'S ENERGY POLICY. I ASSURE THE MEMBERS OF THIS COMMITTEE THAT I WILL DO MY BEST TO EFFICIENTLY AND EFFECTIVELY IMPLEMENT THE ADMINISTRATION'S ENERGY PROGRAMS.

BACKGROUND AND QUALIFICATIONS

I WOULD LIKE TO BRIEFLY OUTLINE MY BACKGROUND AND QUALIFICATIONS TO BE THE UNDER SECRETARY OF ENERGY. I HAVE SPENT MY ENTIRE CAREER IN PUBLIC SERVICE. AFTER EARNING A BACHELOR OF SCIENCE DEGREE IN INTERNATIONAL ECONOMICS IN 1967 FROM THE GEORGETOWN UNIVERSITY SCHOOL OF FOREIGN SERVICE, I SPENT OVER FIVE YEARS ON ACTIVE DUTY IN THE UNITED STATES NAVY. SHIPBOARD, I SERVED THREE YEARS AS ELECTRONICS OFFICER AND COMBAT INFORMATION OFFICER ON THE USS BAUSELL (DD-845). I SPENT THE NEXT TWO YEARS AT THE BUREAU OF NAVAL PERSONNEL WHERE I WAS RESPONSIBLE FOR THE DISTRIBUTION AND ASSIGNMENT OF OVER 14,000 ENLISTED PERSONNEL. I AM CURRENTLY A CAPTAIN (SELECT) IN THE NAVAL RESERVE, ASSIGNED TO THE ASSISTANT CHIEF OF NAVAL OPERATIONS FOR SURFACE WARFARE.

FROM 1974 TO 1977, I HELD SEVERAL REPUBLICAN PATRONAGE POSITIONS IN THE U.S. HOUSE OF REPRESENTATIVES. FROM 1977 TO 1981, I SERVED AS THE CHIEF OF MINORITY FLOOR INFORMATION SERVICES. I WAS RESPONSIBLE FOR PROVIDING ACCURATE AND TIMELY INFORMATION TO THE REPUBLICAN MEMBERSHIP OF THE HOUSE OF REPRESENTATIVES ON

CURRENT AND PROJECTED FLOOR ACTIVITIES. I COUNSELED MEMBERS ABOUT THE HOUSE RULES AND SERVED AS THE MINORITY CHIEF CLERK FOR THE PRIVATE AND CONSENT CALENDARS.

IN 1981, I HAD THE PRIVILEGE OF SERVING THE DISTINGUISHED SENATE MAJORITY LEADER HOWARD BAKER AS THE ASSISTANT SECRETARY FOR THE MAJORITY IN THE UNITED STATES SENATE. MY DUTIES INVOLVED THE COORDINATION OF THE LEGISLATIVE PRIORITIES OF EACH REPUBLICAN SENATOR TO ASSIST THE LEADERSHIP IN THE STRUCTURING OF THE SENATE LEGISLATIVE SCHEDULE. THE TWELVE YEARS I SERVED ON CAPITOL HILL IMBEDDED IN ME A DEEP RESPECT AND APPRECIATION FOR THE CONGRESS AS AN INSTITUTION AND FOR ITS MANY DISTINGUISHED MEMBERS.

SINCE 1986, I HAVE SERVED IN SEVERAL CAPACITIES AT THE WHITE HOUSE, MOST RECENTLY AS ASSISTANT TO THE PRESIDENT AND DIRECTOR OF THE OFFICE OF THE CHIEF OF STAFF. WORKING DIRECTLY IN SUPPORT OF CHIEF OF STAFF HOWARD BAKER AND SUBSEQUENTLY KEN DUBERSTEIN, I ASSISTED IN THE MANAGEMENT AND ADMINISTRATION OF THE DAY-TO-DAY WHITE HOUSE OPERATION. EARLIER, FROM MARCH 1986 TO APRIL 1987, I WAS ASSIGNED AS THE DEPUTY ASSISTANT TO THE PRESIDENT FOR LEGISLATIVE AFFAIRS, A POSITION THAT KEPT ME IN CLOSE CONTACT WITH THE CONGRESS AND EXECUTIVE BRANCH DEPARTMENTS.

I BELIEVE MY EDUCATION AND PROFESSIONAL EXPERIENCE -- TWELVE YEARS IN THE LEGISLATIVE BRANCH AND THREE YEARS IN THE EXECUTIVE BRANCH -- HAVE PREPARED ME TO SERVE AS UNDER SECRETARY. I KNOW THAT MY MANAGEMENT, ADMINISTRATIVE, AND COMMUNICATION SKILLS WILL ENABLE ME TO SERVE THE PRESIDENT AND THE CONGRESS EFFECTIVELY IN THIS IMPORTANT POSITION.

THE ROLE OF THE UNDER SECRETARY

IF I AM CONFIRMED, MY ROLE WOULD BE TO DISCHARGE THE UNDER SECRETARY'S UNIQUE STATUTORY RESPONSIBILITIES IN THE AREA OF ENERGY CONSERVATION. IN THIS EFFORT, I WILL WORK CLOSELY WITH THE ASSISTANT SECRETARY FOR CONSERVATION AND RENEWABLE ENERGY. TOGETHER, WE WILL ENCOURAGE ENERGY CONSERVATION AND PROMOTE THE PROGRAMS AND ACTIVITIES OF THE DEPARTMENT IN THIS FIELD. OUR RESEARCH AND DEVELOPMENT PROGRAMS ARE ESSENTIAL TO PROVIDING ENERGY EFFICIENT TECHNOLOGY OPTIONS TO THE MARKETPLACE. I AM ALSO COMMITTED TO WORKING CLOSELY WITH THE COMMITTEE TO PURSUE OPPORTUNITIES TO IMPROVE OUR ENERGY EFFICIENCY.

THE ADMINISTRATION'S ENERGY POLICIES

IN PRESIDENT BUSH'S INAUGURAL ADDRESS, HE OUTLINED HIS NEW DIRECTION FOR AMERICA'S ENERGY POLICY -- A POLICY THAT CLEANS UP THE PROBLEMS OF THE PAST, AND GIVES THE INCENTIVES AMERICA NEEDS TO BUILD A FUTURE THAT IS ENERGY-INDEPENDENT, HEALTHY, AND SAFE. THE PRESIDENT SAID THAT THE DEPARTMENT OF ENERGY HAS IMPORTANT WORK TO DO -- THAT WE ARE ON THE CUTTING EDGE ON ISSUES OF NATIONAL SECURITY, COMPETITIVENESS, AND ENVIRONMENTAL QUALITY AND THAT THE DEPARTMENT HAS HIS FULL SUPPORT AND IS HERE TO STAY. I STRONGLY SUPPORT THE PRESIDENT'S ENERGY POLICY AND BELIEVE THE DEPARTMENT OF ENERGY MUST PROVIDE THE APPROPRIATE LEADERSHIP AND DEVELOP AN INTEGRATED ENERGY STRATEGY.

ADMIRAL WATKINS STATED AT HIS CONFIRMATION HEARING THAT HE WANTS TO REWARD EXCELLENCE, REJECT AND DEAL SWIFTLY WITH INCOMPETENCE, CORRECT THE ROOT CAUSES OF PROBLEMS, AND INSTILL A PEER PRESSURE THAT CREATES AN EXCITEMENT FOR

EXCELLENCE. HIS DYNAMIC LEADERSHIP WILL SPARK THE DEPARTMENT OF ENERGY SO THAT IT CAN CREDIBLY IMPLEMENT THE LAWS AND PROGRAMS THAT CONGRESS AND THE BUSH ADMINISTRATION AGREE WILL HELP IMPROVE AND MANAGE THE COMPLEX ENERGY-RELATED TASKS THAT WE FACE AS A NATION.

WE NEED TO CONTINUE TO WORK TOWARD A BALANCED AND MIXED ENERGY RESOURCE BASE AND NOT RELY ON A SINGLE ENERGY SOURCE. THE PRESIDENT AND THE SECRETARY HAVE CONSISTENTLY STATED THAT THIS POLICY IS DESIGNED TO ASSURE THAT OUR MIX OF ENERGY SUPPLIES IS APPROPRIATE TO OUR ECONOMIC GOALS AND OUR NATIONAL SECURITY INTERESTS. TO DO THIS IN THE MOST PRODUCTIVE AND EFFICIENT MANNER, WE SHOULD MINIMIZE INTERVENTION IN ENERGY MARKETS WHILE PRESERVING THE PUBLIC HEALTH AND SAFETY.

WHILE I HAVE A PRIMARY STATUTORY RESPONSIBILITY RELATING TO ENERGY CONSERVATION, I ANTICIPATE WORKING WITH THIS COMMITTEE ON ALL OF OUR ENERGY SUPPLY OPTIONS -- COAL, RENEWABLES, NATURAL GAS, OIL AND NUCLEAR. THE DEPARTMENT HAS A CRITICAL ROLE TO PLAY IN SAFEGUARDING NUCLEAR ENERGY AS A FUTURE ENERGY SOURCE. WE MUST CONTINUE OUR EFFORTS TO IMPROVE NUCLEAR REGULATION, DEVELOP A SOUND WASTE MANAGEMENT SYSTEM, AND ENHANCE THE PUBLIC'S CONFIDENCE IN THE SAFETY AND RELIABILITY OF NUCLEAR POWER. SECRETARY WATKINS RECENTLY SENT A LETTER TO CONGRESS IN WHICH HE OUTLINED HIS FIVE YEAR CLEAN-UP PLAN TO CHARACTERIZE AND PRIORITIZE ALL CLEAN-UP ACTIVITIES AT DOE SITES. THIS PLAN WILL ENCOMPASS WASTE MANAGEMENT OPERATIONS, INACTIVE WASTE SITE CLEAN-UP, AND THE CORRECTIVE ACTIONS NEEDED FOR ALL DEPARTMENT OF ENERGY OPERATING FACILITIES. THE FIVE YEAR PLAN WILL BE IN PLACE BY AUGUST OF THIS YEAR AND WILL COORDINATE AND CONSOLIDATE ALL DEPARTMENT CLEAN-UP ACTIVITIES INTO A SINGLE, INTEGRATED PLAN OF ACTION. ADMIRAL

WATKINS' LETTER ALSO OUTLINED OUR INTENTION TO ESTABLISH A SIMILAR PROGRAM IN APPLIED RESEARCH AND DEVELOPMENT, WITH EMPHASIS ON ENVIRONMENTAL REMEDIATION TECHNOLOGY. I SHARE THE ADMIRAL'S HOPE THAT WITH THE IMPLEMENTATION OF THIS FIVE YEAR PLAN, THE DEPARTMENT OF ENERGY WILL BECOME A WORLD LEADER IN THE IMPORTANT AREA OF ENVIRONMENTAL TECHNOLOGY, AND A VALUABLE GLOBAL RESOURCE FOR ENVIRONMENTAL RESTORATION.

WE ALSO MUST FULLY AND EFFICIENTLY DEVELOP OUR FOSSIL RESOURCES, PARTICULARLY THE CLEAN COAL TECHNOLOGY PROGRAM. THIS PROGRAM IS DEVELOPING AND DEMONSTRATING NEW, CLEANER, AND MORE EFFICIENT WAYS TO USE OUR MOST ABUNDANT NATURAL RESOURCE IN HARMONY WITH OUR ENVIRONMENTAL GOALS. THE DEPARTMENT ALSO SUSTAINS RESEARCH AND DEVELOPMENT OF A STRONG RENEWABLES INDUSTRY IN SOLAR AND RELATED TECHNOLOGIES.

I HAVE BEEN IMPRESSED WITH THE DEDICATION OF PUBLIC SERVANTS THROUGHOUT MY CAREER IN GOVERNMENT. THOSE MEN AND WOMEN I HAVE TALKED TO AT THE DEPARTMENT WHO MANAGE THE DEPARTMENT'S PROGRAMS ARE TRUE PROFESSIONALS AND DEVOTED TO THEIR INDIVIDUAL MISSIONS. I AM PROUD TO HAVE THE OPPORTUNITY TO JOIN THE DEPARTMENT OF ENERGY TEAM WITH ADMIRAL WATKINS AT THE HELM. THE ADMIRAL HAS CALLED ON EACH EMPLOYEE IN THE DEPARTMENT TO PERSONALLY COMMIT THEMSELVES TO THE HIGHEST STANDARDS OF PROFESSIONAL AND PERSONAL EXCELLENCE -- THE GUIDING PRINCIPLES THAT HE HAS USED SO SUCCESSFULLY THROUGHOUT HIS DISTINGUISHED CAREER.

IF CONFIRMED, I WELCOME THE OPPORTUNITY TO WORK WITH EACH MEMBER OF THIS COMMITTEE AND I WANT EACH OF YOU TO KNOW THAT I WILL SEEK YOUR SUGGESTIONS AND GUIDANCE AND BE RESPONSIVE TO YOUR NEEDS AND REQUIREMENTS. THANK YOU.

The CHAIRMAN. Thank you very much, Mr. Tuck.
Miss Fitzpatrick?

STATEMENT OF DONNA R. FITZPATRICK, NOMINEE TO BE ASSISTANT SECRETARY FOR MANAGEMENT AND ADMINISTRATION

Miss FITZPATRICK. Mr. Chairman and distinguished members of the committee, I appreciate the opportunity to appear here today as President Bush's nominee for the position of Assistant Secretary of Energy for Management and Administration.

I have submitted a statement for the record, and I would like to summarize it briefly.

I share Admiral Watkins' commitment to carrying out the President's national energy strategy and to fulfilling the mandates that Congress has established for the Department. If confirmed as Assistant Secretary, I will be accountable to this committee and to the Congress, as well as to Secretary Watkins and the President. It will be a privilege to work with this committee and the Congress to improve our Nation's energy security.

Mr. Chairman, I believe that my education in physics and law and my professional experience, especially as Assistant Secretary for Conservation and Renewable Energy and as the Under Secretary of Energy have prepared me to serve in this new post.

The role of the Office of Management and Administration is to serve the Secretary and the Department in carrying out our national security and energy responsibilities. This position involves managing a large, complex organization which provides the Department with essential services in budget preparation, facilities acquisition and maintenance, personnel, and procurement. A well-run, efficient administrative process can enhance the efforts of the entire Department and lend much support to the Secretary's initiatives.

Mr. Chairman, I have worked hard to provide sound management, stability, and leadership to the programs for which I have had responsibility in the Department, and I will continue to discharge my responsibilities in that spirit, if confirmed. I have gained great respect over the last five years for the many professionals in the Department of Energy, and I look forward to working with the very competent and knowledgeable people in the Office of Management and Administration.

I am committed to seeking and fully considering the views of the Congress and this committee and to maintaining a constructive dialogue on the Department's policies and activities. I hope I have demonstrated that commitment to the committee in the past.

I would also like to conclude by noting that I look forward to working with and supporting Secretary Watkins in addressing the many national security and energy issues facing the country. The Secretary's commitment to excellence in all of the activities in the Department is one which I fully support and I intend to lead the Office of Management and Administration in striving for that standard.

Mr. Chairman, this concludes my formal remarks. I have submitted detailed information on my qualifications, experience and financial affairs. And I would be pleased to answer any questions the committee may have.

[The prepared statement of Miss Fitzpatrick follows:]

STATEMENT OF

DONNA R. FITZPATRICK

NOMINEE FOR THE POSITION OF

ASSISTANT SECRETARY FOR MANAGEMENT AND ADMINISTRATION

U. S. DEPARTMENT OF ENERGY

BEFORE THE

COMMITTEE ON ENERGY AND NATURAL RESOURCES

UNITED STATES SENATE

APRIL 5, 1989

DONNA R. FITZPATRICK

NOMINEE FOR THE POSITION OF ASSISTANT SECRETARY FOR MANAGEMENT AND ADMINISTRATION OF THE DEPARTMENT OF ENERGY

BEFORE THE

COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

APRIL 5, 1989

Mr. Chairman and distinguished Members of the Committee, I appreciate the opportunity to appear before you today as President Bush's nominee for the position of Assistant Secretary for Management and Administration of the U.S. Department of Energy.

I share Secretary Watkin's commitment to carrying out the President's national energy strategy and to fulfilling the mandates that Congress has established in law for the Department. If confirmed as Assistant Secretary, I will be accountable to this Committee and to the Congress, as well as to Secretary Watkins and the President. It would be a privilege to work with this Committee, and the Congress, to better our Nation's energy security.

BACKGROUND AND EXPERIENCE

Let me begin with a brief description of my qualifications. My educational background and professional experience are mainly in the fields of science, law, and, most recently, public administration as Assistant Secretary for Conservation and Renewable Energy, and Under Secretary. I earned a Bachelor of Arts degree in physics from the American University in 1972. After teaching high school chemistry and mathematics, I entered law school and graduated from the National Law Center of George Washington University. In my law practice, first with the Washington, D.C., firm of O'Connor and Hannan and then as a sole practitioner, I worked primarily in property and business law, including real estate development. In 1980, I served the Office of the President-elect as a member of the Transition Team for the National Science Foundation, reviewing national policy in basic science research. In 1983, I served as a consultant to the Secretary and Under Secretary of Energy in a general review of the Department's conservation and renewable energy programs and policies.

I left my law practice in January 1984 to serve as Principal Deputy Assistant Secretary for Conservation and Renewable Energy. In that capacity, and that of Assistant Secretary for Conservation and Renewable Energy, my responsibilities included managing research and development programs in energy efficiency and renewable energy, administering the state and local assistance grant programs, and coordinating management of three of the five federal power marketing administrations. In my recent experience as Under Secretary, I have carried out the Under Secretary's statutory responsibility for energy conservation and provided policy direction and management oversight to the Office of Policy, Planning, and Analysis. My education and professional experience, I believe, have prepared me to serve as Assistant Secretary for Management and Adminstration.

ROLE OF THE ASSISTANT SECRETARY

I believe that the role of the Office of Management and Administration is to serve the Secretary and the Department in carrying out our national security and energy responsibilities. The position of Assistant Secretary for Management and Administration is one of great responsibility and major challenges. It involves managing a large, complex organization which provides the Department with essential management and administrative services--budget and accounting, personnel administration, organization and management, procurement, contractor industrial relations, equal employment opportunity, project and facilities management, computer services, and telecommunications systems. A well-run, efficient administrative process can enhance the efforts of the entire Department and lend much support to the Secretary's new initiatives.

Mr. Chairman, I have worked hard to provide sound management, stability, and firm leadership to the programs for which I have had responsibility in this Department and I will continue to discharge my responsibilities in that spirit if I am confirmed as Assistant Secretary for Management and Administration. I have had a great deal of help as I have done this over the last five years and I would be remiss at this point if I did not note how impressed I have been with the dedication and skill of the Department's personnel. The Management and Administration organization currently includes many highly professional, competent, and knowledgeable people. I expect their high quality work to continue to make a meaningful contribution to the Department's goals. I look forward to working with them in a new role as Assistant Secretary and meeting the challenges which confront us.

I am also committed to seeking and fully considering your views and suggestions and to maintaining a constructive dialogue with you on the Department's policies and activities. I hope that I have demonstrated that committment to this Committee in the past. Mr. Chairman, I would like to conclude by noting that I look forward to working with and supporting Secretary Watkins in addressing the many national security and energy issues facing this country. The Secretary's committment to excellence in all of the activities of the Department is one which I fully support and I intend to lead the Office of Management and Administration in striving for it if I am confirmed. If confirmed by the Senate, I will use my position as Assistant

Secretary for Management and Administration to fully support the Secretary in every way possible to achieve the goals that he has set for us.

Mr. Chairman, this concludes my formal remarks. I have submitted detailed information on my qualifications, experience, and financial affairs. I will be pleased to answer any questions you and the Committee may have.

The CHAIRMAN. Thank you very much, Miss Fitzpatrick.

First of all to reiterate what I said a moment ago, I am very pleased at Mr. Tuck's nomination and I'm extremely pleased at Miss Fitzpatrick's nomination and, in fact, at the whole running of the Department of Energy. I think Admiral Watkins is bringing a standard of excellence that is being recognized and a department to be sought after to serve in. It is reflected in the quality of our nominees today and in the way he is running the Department and the way I think that the product will come out.

Now, Mr. Tuck, you are charged, as you mentioned, with the responsibility for energy conservation and renewable energy. These are subjects about which this committee has strong feelings. Senator McClure and I have been involved in this in one way or the other over a long period of time. There are three principal logical streams that converge right in this question of energy conservation and renewable energy.

The first is the strong feeling of the Congress, a feeling which I hold that we ought to do more in conservation and renewables. It is a theme that is constantly repeated in this committee and on the floor of the Senate, and I think the American people feel that way.

We reintroduced S. 488 which was a bill that passed last year to provide for more stability for funding in conservation and renewable energy. And we hope we will get that done again this year. And I hope it can receive the support of the Department. We do want to do more with conservation and renewables.

The second logical stream is the problem of funding which, of course, affects everything. There is not enough money to do as much as we want to do.

And the third is the potential for waste in these programs. Through the years we have seen huge amounts of money squandered in my view in the name of renewables and I suspect in the name of conservation. And I say this as one of the principal sponsors in this area.

Back in the 1970s, it became the sexy thing to do to put photovoltaic arrays on public buildings as a demonstration of somehow our commitment to renewable energy. Well, it didn't demonstrate anything but huge waste. They even put one on the White House. They operated it for a few years and then shut it down. It didn't demonstrate anything other than we wanted to show that we believed solar energy.

And we did that all over the country. At one time we tried to assay how much we had spent and what the results were for those kinds of demonstrations, and we found that no records were kept. We couldn't really find out satisfactorily what was spent, what it was spent on, whether it was working. The only thing you could figure out was it didn't accomplish a thing in terms of those demonstrations. And those were just photovoltaic demonstrations.

There are examples across this country of hundreds of millions of dollars that were squandered. You go out to California on the way to Yosemite, and you go across that array of windmills supported by tax credits both at the federal level and the state level. And I don't know whether they are still working or not. I guess they are, but every time I've flown over them, most of those blades are not turning.

Now, I can go through a lot of other examples, things that we passed in this committee because they appeared to be very good at least to some members.

So, what I'm saying is that your job calls for the wisdom of Solomon. You have to balance these questions of the real need to do that which is achievable and is important and to weed out the wasteful things. I think Miss Fitzpatrick did a fine job in that.

Technology moves fast in this. Photovoltaic has come up with some new breakthroughs, as I understand it, and we don't want to be caught on the low end of technology on photovoltaics or anything else. We want to do things which are really promising as opposed to that which is merely politically pacifying.

Please don't misunderstand. We are all politicians on this committee, and we don't intend to abandon politics. But we at least ought to serve the national interest in developing the promising technologies to the best extent we can.

And to the extent that we need to increase budgets, we ought to work together to do that. And I think that's one way that we can serve.

As Henson Moore referred to Admiral Watkins' desire for credibility. I hope we can have it in this field of conservation and renewables.

I think conservation is the area of most promise. It is also a very difficult area. When you talk about CAFE standards, a lot of American auto companies don't want to do that, and there may be indeed a lot of American jobs put at risk by too much or the wrong kind of emphasis on that. But there is no doubt that we can produce a great deal of energy or save a great deal of energy in conservation.

And as I say, there is just no doubt of the commitment of this committee and I think of the country to conservation and renewables. So, with that, you might want to respond.

Mr. TUCK. Mr. Chairman, thank you.

My observations are direct and straightforward. The President has indicated that conservation will have priority in his administration. He stated that during the campaign, and he has stated that subsequently, in the context of the proceedings incident to Admiral Watkins' swearing-in.

It is terribly important. It is probably one of the quickest ways to add energy to the pie in this country. What I mean by that is, it is apparent that there are going to be difficulties adding to the whole energy pie in terms of additional exploration for a host of reasons. It is also apparent that there are some who will not be supportive of a particular source of energy like nuclear power for some valid reasons in some instances, and in other instances, I'm not so convinced that they are valid. The immediate result will be that conservation will become or rather—is an additional source of energy. Conservation has to be done in a reasonable fashion so that there is some cost-benefit arrangement with regard to the conservation given the waste that you have just outlined.

I am relatively new to this area and certainly do pledge to you, however, and to this committee that I will endeavor to get up to speed as quickly as possible and keep a very close watch on the conservation efforts of the administration. This is not just a matter for the Department of Energy to review and to be cognizant and up to speed on, but it is receiving the highest level of attention in the White House by the President's principal advisers. It is incumbent upon the Department to be a player in those discussions, and I pledge to you that it will be.

The CHAIRMAN. Well, I am pleased that you will do that.

I remember back in the 1970's, Jimmy Carter said we're going to have 20 percent solar by the year 2000, which was absolutely preposterous, but it was stated over and over again as being the gospel. And it was worse than misleading. I think it led to policies in other areas of energy which were counterproductive because they knew that there was going be this 20 percent solar. At the same time, I think the Reagan Administration came in and said the opposite, and we didn't do enough.

So, what we want to do is get a balance. To the extent that can get solar or conservation or whatever that really works, we really want to do it, and we're willing to sacrifice in terms of finding the dollars to do it.

And we want the real kind of competence which you two represent in analyzing those programs so that we can divide that which is only politically productive from that which is likely to be productive in terms of energy. So, with the demonstrated competence that you have shown in all the posts you have held, Mr. Tuck, I know you will give us that kind of attention.

Miss Fitzpatrick, I do have one question for you and that is with respect to the TRW contract. The Department's award of a major 10 year, $100 million contract to manage the nuclear waste program is tied up in the court because of alleged improprieties in the DOE procurement process. This dispute threatens to delay this program even more than it has been delayed already.

I hope you can review this matter and determine what options are available to the Department to ensure that the program is not delayed by this suit or at least that the delay is limited as much as possible and how we can avoid similar situations in the future.

There are tremendous challenges of this administration, and one of the biggest is civilian nuclear waste. And this contract is an indication of the kind of problems and challenges that you are going to face.

Miss FITZPATRICK. Mr. Chairman, I think your points are very well taken. I will certainly be paying close attention to that contract, and the Admiral is paying very close attention to the program as a whole.

The CHAIRMAN. Thank you.

Senator McClure?

Senator McCLURE. Mr. Chairman, I will be very brief in my commendation of the two nominees that are before us and of the President and Admiral Watkins for having brought these nominees to us. The Admiral is obviously very dedicated to building the strong team that he has spoken of on more than one occasion, and I think we have two examples of that strong team here.

I've had the opportunity to observe John Tuck's work in a variety of different positions, each of which he has discharged with a great deal of skill and dedication and efficiency. Now we're going to move him into a position where he is responsible for the formulation of policy, not just the execution of it. And I look forward to that because I am sure he will meet that challenge as well.

Donna Fitzpatrick we have seen in a variety of positions, each of which she has demonstrated the capacity to fulfill. I am sure she will in this position too. This is not an example of somebody who is finding it difficult to keep a job. It's an example of somebody whose performance is being rewarded by giving additional responsibility to that person.

And I really am very, very optimistic about the way in which the Admiral is putting together a management team, and I think it bodes well for the future of energy policy for this country.

I want to only mention two things in consonance with what you were saying, Mr. Chairman. Conservation and renewables. Those have been kind of buzz words in some respects that have gotten a lot more political attention than they have reality perhaps.

In the Northwest Power Act at the insistence of Senator Hatfield, I might add, we included a provision that conservation would have a 10 percent advantage over everything else. I questioned the wisdom of that at the time because I didn't see why conservation couldn't hold its own. I think perhaps that the wisdom is demonstrated from the fact that it gave it the opportunity to demonstrate its capacity to be an economic competitor, and after the opportunity to demonstrate that fact, it can stand on its own. But perhaps it does need something to push it. And maybe rather than a 10 percent advantage in economic evaluations, it needs only the emphasis and the direction which is identified in the position of strong administrators and people who really believe that conservation has a place in the energy mix.

I agree totally with what the Chairman has said that what we seek is a balanced mix of policies of energy sources and of options. I have supported that and will continue to support an appropriate balance.

And there is one thing that really does bother me and I should perhaps share that with you today. As we focus on the nuclear weapons program and the absolutely mandatory program for cleaning up the nuclear weapons complexes, that we don't divert all of our money into that program and away from these other objectives. I am very much concerned that the Department of Energy will have to absorb the costs of what is essentially a weapons program and in absorbing those costs, these other activities will suffer. And I really am concerned about that. I see some signs of that in the current budget proposals.

Senator Bingaman earlier today mentioned the reduction in solar energy research and development. I think that can be justified on separate grounds, but it may be an indication of the tightening of budgetary restraints with respect to DOE's budget overall largely occasioned by the Department's responsibility as being the production manager for materials needed by the Department of Defense and the accumulated responsibility to clean up the sites that have been used for those production facilities.

And I am absolutely and totally committed to a reasonable program with some urgency but with absolute commitment to the total cleanup of those weapons plants.

I know that while the five-year plan will be submitted by August of this year in that regard, that the program won't be completed in five years. No one has any illusions about that, and certainly we shouldn't allow the fact that a five-year plan is being submitted to be taken as evidence of the fact that that is going to do the job. That is the beginning on very, very long-term and very expensive programs.

There have been various estimates from $60 million to $180 billion in what those programs will cost. My own estimation is it's going to be substantially in excess of $100 billion over time. That was "B" with billions. And I think people have to understand that that's a massive undertaking which has been too long delayed in beginning but now indeed the Secretary is beginning and I commend him for that. As Moore said earlier, it must have credibility.

I think the same thing is true with respect to conservation and renewables. I am very much dedicated to conservation, but it must be in my view an economic program. It must be a program that stands the test of economic competition, as must renewables.

I am still, perhaps stubbornly, but still convinced that we can move more to renewable energy if we look at a mix of policies rather than allowing ourselves to be compartmentalized in this is your responsibility, and that is the Department of Commerce responsibility, and that's the Department of Agriculture responsibility.

As examples, a 10 percent ethanol program would reduce by nearly 10 percent the total quantity of petroleum consumed for transportation fuels. We do have some interest in reducing our dependence upon imported oil both for security and for economic reasons. We do have a concern about cleanup of the environment for a whole lot of reasons. We do have a concern about the farm economy which has demonstrated a tremendous amount of political support in this Congress as witnessed a $27 billion farm program for last year.

Now, I think when you put all those things together, it makes some sense for us to look at an administration-wide development of policy that utilizes the renewable energy which is characterized in ethanol additives to gasoline used for transportation. We have never been able to get that kind of an administration-wide look.

Mr. Tuck, you have a genius for coordinating and bringing together various disparate elements. You have demonstrated that. Is it possible for people in the Department of Energy to talk to the people in the Department of Agriculture and maybe even work jointly together on a unified program?

Mr. Tuck. Senator McClure, it certainly is possible.

There is a requirement that every odd numbered year on the first of April a report come forward from the Department of Energy with regard to what the Nation's energy policy is. That was not submitted, as Mr. Moore indicated earlier, because the Admiral had frankly taken a look at some of the earlier work products and said I think we can do better.

And I think it would not be wide of the mark to suggest that there is discussion ongoing within the Department now about how to improve that process, and that process may take on the outline of that which took place within the AIDS Commission. And let me tell you briefly what I'm talking about.

I think that it might develop that the Admiral would recommend to the White House that we establish under the aegis of the Department of Energy, but establish a procedure which would permit all of these variables to be aired Department-wide, government-wide, a procedure that would outline a course of action that would provide that all aspects of the administration would be able to make input to such a plan, agree then in the late summer time frame on a set of principles that will guide the work of this entity, and then have a report produced as testimony is received, as input is given to this organization possibly approximately a year from now.

So, it is in the mind of Admiral Watkins. It is definitely in the mind of Henson Moore. It is very embryonic in stage at this particular juncture, but that which you are suggesting is frankly in my view on track, in-house, for the course of action to be pursued.

Senator McClure. Well, I commend you for that. I think it is essential that we do it, and perhaps you'd just get a task force with samples from each of the Departments of government—how do we reduce our dependence upon foreign oil, as an example—and get somebody from each Department that has some responsibility in this area to sit down and develop a policy that each of the Departments can support. What we oftentimes do is have one Department trying to develop a policy and another Department is telling you why you can't do that.

Mr. Tuck. Precisely.

Senator McClure. It is a lot easier to erect negatives than it is positive, and if you get people working together toward the same result, then they are forced to try to come up with positive solutions rather than just telling you why you're wrong.

Mr. Tuck. I couldn't agree with you more.

Senator McClure. I am very much concerned that we not abandon conservation or renewables or alternative forms of energy. And I don't think there is any prospect that we are going to abandon them. I don't mean that at all.

I don't regret having spent money for research on photovoltaics, as an example. They proved to a degree what the alternative economics were and whether they had potential.

I don't regret having spent money as a nation on wind energy because it proved both technology and economics so that we know what they are.

I don't regret having spent money on the Synthetic Fuels Corporation. I regret we stopped spending money on the Synthetic Fuels Corporation because it was developing and did develop technologies which both the technology and the economics were proven facts rather than theories. And therefore, we knew something about whether or not we had an alternative in that area that could be used economically and within a reasonable time frame.

I don't regret those expenditures, but that doesn't mean that they are so good that we ought to continue to make each of those expenditures. We acquire knowledge that way and the knowledge is usable either in a positive way that says let's go ahead and do some more of it or in a negative way of saying we already know that that isn't going to work economically or technologically.

So, I think we must continue in exactly the same way, spending some money to prove positive and to prove negatives, but above all, to acquire knowledge about what our alternatives are. And that will be a challenge in a tight budget.

And again I reiterate the concern that I have that this massive cost accumulated over nearly a half a century of time, now over four decades of time, in the nuclear weapons program is going to absorb so much of our attention and so much of our budgetary support, that we will feel unable to put the money into the other alternatives which I believe are absolutely essential for the future of this country.

I am not sure that we can measure it, as Senator Bingaman did a moment ago, in terms of how much money the Japanese or the Germans are spending because maybe we already have spent and maybe we have already acquired knowledge which they are just now obtaining. I'm not sure that their judgment is better than ours always in regard to where their money should be spent.

But certainly we do need to continue to expand the area of our technical expertise and our knowledge of the benefits to our society in conservation and in renewables. But I think it needs to be a much broader effort than it has been. EPA should be intimately involved in the development of energy policies because certainly environmental policy cannot be ignored and will not be ignored in the development of policy choices which we must make.

I have spoken at length at various times in the past about the ethanol program, for example. Oil industry people obviously don't want the introduction of new materials in competition with theirs. We can't expect them to eagerly embrace the production of a competitor of their own. So, if we look to them for the development of gasohol programs, we will wait a long, long time.

They use high-end aromatics to enhance octane ratings in substitution for the tetra ethyl lead that was removed from gasoline. High-end aromatics have an energy cost to this country in terms of the reduction of total fuels that come from the barrel of oil. They also have an environmental cost because those high-end aromatics, when oxidized, provide some of the very basis for the worst of the killer smogs.

Now, they are not going to move away from that very eagerly and buy somebody else's product as a substitute for what they themselves can and do produce. It will require national policy to move them in that direction. And there I think is where we need to be very affirmative in deciding what the policy is rather than being reactive to the suggestions that are made by those who are already in the business. Their input is important, it is certainly, it should not be ignored, but it cannot be allowed to direct our policy.

Mr. Chairman, I look forward to working with you and the members of the administration in the renewal of and perhaps redirection of energy policy as we go through the exercise of reanalyzing where we are and what our objectives are and what our options are. It's a challenging effort.

And I look forward to working with these nominees as they assume their office, as I know they will. I don't know of a single negative voice or vote erected in this committee or in the Congress with respect to these nominees which again proves something about the wisdom of the President and of the Admiral in forwarding their names to us.

Thank you very much.

The **Chairman**. Thank you, Senator McClure.

Senator Wirth I think was here first I believe.

Senator **Wirth**. Thank you very much, Mr. Chairman. I'll be very brief.

Miss Fitzpatrick, it's very nice to have you back here. Mr. Tuck, we look forward to seeing you a good deal in the future, and thank you for coming by the other day.

Mr. **Tuck**. Thank you, sir.

Senator **Wirth**. We talked yesterday, Mr. Tuck, a little bit about the Department and how you organize and orchestrate yourselves to meet the commitments of the new President who had said very clearly "I am an environmentalist," has made very encouraging statements on the issue of global warming and has suggested, as the Chairman was pointing out in his opening comments, that energy conservation was important.

Having that kind of a charter from the White House, what kind of mandate does that give you all in the Department in terms of reorganizing the Department and refocusing the mission of the Department? Can you give us a feeling of what you may be doing? Donna, you may be more up to speed on that at this particular point, and maybe you could give us some sense of what kind of a mission has been translated to you from Secretary Watkins as well.

Miss **Fitzpatrick**. Senator, Secretary Watkins has been very clear that he wants to take an almost clean-slate look at national energy policy and formulate what he has called a national energy strategy.

And he has also made it clear that all energy resources—and conservation is in effect an energy resource—should receive full and fair consideration and be a part of what the Nation needs in order to have a healthy energy economy.

And he has also made clear that environmental concerns have to be right up there with everything else, that it is, in effect, a package deal. You cannot isolate energy from environment, from economic needs.

Senator **Wirth**. Well, that is very encouraging and I think a very welcome change from much of what we have had for some time. And I think the timing is fortuitous in all of this that you all are coming in with this clean slate and with a new charter from the President and from the Secretary.

I think you should understand—and I know you do, Donna—the great importance that this committee places on the overall examination and development of an "energy policy". We hear all kinds of talk about that, but each time that we have debated and gone through the exercise of ANWR, no matter where people came down on when ANWR ought to be opened, everybody has said that it was absolutely imperative that we get lined out an understanding of what our dependency situation is, what the national security issues are and how various energy issues relate to the environment. And that has come from everybody on this committee. The most conservative to the most liberal members of the committee have suggested that ought to be done.

So, I think that you certainly have that charter from here and I hope that as you look at the clean slate—using your words—that Admiral Watkins talked about, that you will etch on that clean slate the kind of direction that I think we are all waiting for. Valdez certainly illustrates the need for that as well. If we don't do it carefully, we can be in real trouble. So, I appreciate your response to that.

The second thing, Mr. Tuck, you have responsibility as the Under Secretary for Conservation. I think that is a statutory responsibility, isn't it?

Mr. TUCK. Yes, sir, it is.

Senator WIRTH. The Chairman mentioned in his opening comments the great opportunities that are available in transportation. He mentioned some of the utility areas, some of the building standards. It seems to me that as we look at the whole, overall energy economy, there is a tremendous opportunity there for significant savings. And you in your discussion back and forth emphasized the importance of that, and you outlined a little bit of that in your testimony.

The politics of it—and you are a veteran of a lot of politics—are going to get pretty tough. As we look at transportation standards, there are a lot of people, as we had a hearing yesterday, who are going to resist conservation in the transportation area. And that is not just in the automobile area. That's in others as well.

As we look at utilities, there is a major thrust—and Donna is very aware of this—of looking at how do we go about developing utility pricing programs so that we can build conservation into those. And there is an increasing I think momentum for doing that, but there is a lot of resistance as well to doing that.

In the building standards area, we have just begun to probe the importance of that, and that probably, with transportation, these are the areas where the greatest potential exists.

As we look at all three of those, transportation, utilities and building standards, there is an awful lot of political resistance. And the administration is probably going to have to step on a lot of toes to get something to happen. And you, as a veteran politician, are going to understand where those come from, and I hope that you take very seriously the mandate that I've heard from the President and from the Secretary that—you know, in some ways, damn the torpedoes. These are things that must be done.

That is not in the form of a question, but rather just further encouraging the resolve that you must have. It is going to be your responsibility to sort through what is going to become a very difficult political thicket.

Mr. TUCK. Well, I take the direction to take this seriously very seriously, and I intend to do that. I am going to be relying very heavily on Donna and on the Assistant Secretary for Conservation and Renewable Energy to get me up to speed. But the message is delivered and I acknowledge receipt.

Senator WIRTH. A final note on alternatives to fossil fuels. First, in solar, I think that we have a great deal of potential there. I think the Chairman may be correct in that this had been oversold, but I think that there is an awful lot of technological potential. Donna is very familiar with all of this. We are, I think, on the threshold now of some very significant breakthroughs and they need some help from us. It also is going to be very useful to the United States in terms of the technology which is ours: if we don't do it, others are going to pick it up and run with it very rapidly.

And on the nuclear side, this has come as a surprise to many, but I think we have to look again very seriously and very carefully at the nuclear option. The global warming phenomenon I think changes the equation and is going to force a lot of people to think again. And that is a responsibility that you all have, and that's again the political thicket there which, as you know, is filled with an awful lot of burrs and thistles. There are a lot of people who have a very deep nuclear neuralgia in the United States, and for understandable reasons.

I think what we have to do is to figure out how we are going to reframe the issue in terms of the research program. We're not going to be able to adjust a widget here or bells and whistles over there, but I think this program probably needs some pretty fundamental restart. And I hope that that is also part of the commitment, not just to charge ahead with what we have been doing in the past, which hasn't worked very well, but to really reexamine that in a very serious fashion.

Mr. TUCK. I am encouraged to hear you say what you have just said about nuclear power. I'm in 100 percent accord with what you have just said. And I pledge to work with you and to keep in very close touch with you in that regard. I think that is very, very important.

Senator WIRTH. Just a final note. Maybe Donna can fill you in on efforts that we have been working on in the past to work with Federal installations. I meant to bring that up in the conservation area. There is a great deal of potential there. We waste an enormous amount of energy in Federal installations, not just on the domestic side, but the biggest energy user in the country is the Department of Defense. And I think there are some opportunities there. And we have in the past sort of made some passes at this and tried to focus on it. But if there is one area where you can get some coon skins on the wall right away and you can make some very real progress, that is right in our back yard.

There is a lot of preliminary thinking that we have all done on this, and I think we can—do you have any thoughts on that, Donna? Do you have anything that you want to say?

Miss FITZPATRICK. I think my thoughts are well-known, Senator. It is true. The Federal Government is the largest single energy user in the United States, and about 80 percent of that is the Department of Defense which has been making progress. But certainly there is still a great target of opportunity there.

Senator WIRTH. I am struck when I talked to every base that I go to. I am a member of the Armed Services Committee as well. I talk to the commanding officer of the base, and they say with great pride that they are concerned about energy conservation and that "they have easily met their energy conservation target." So, when they say they have easily met their energy conservation targets, I say to myself that's terrific, but maybe those targets haven't been set in as tight a fashion as possible.

Anyway, I think, John, that there is a lot of room there and it might be an area that you might get a group going right away. A lot of work has been done on that. Donna has been way out in front on that front and has been very, very helpful. I would just urge you to look at that very carefully.

Mr. TUCK. I appreciate that heads-up a great deal.

Senator WIRTH. Thank you all very much.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Heflin?

Senator HEFLIN. I would like to follow up a little bit on what Senator McClure said about the overlapping and related jurisdiction of various departments and agencies dealing with an overall energy policy and your proven record in bringing about coordination. We in the Senate, at least on our party's side—and I suppose on the other party's side—have created a task force to try to eliminate the overlapping jurisdictions of related matters in solving problems.

The National Security Council was created as a coordinating agency to bring together the President, the Vice-President, the State Department, the Defense Department, the Joint Chiefs of Staff and the intelligence community. Its primary function is to advise the President on matters which integrate foreign, domestic and military functions relating to national security.

With your expertise, you might give some thought to recommending to the appropriate DOE officials whether there is a need for some formalized structure to deal with the issues of the national energy policy or. On the other hand, however, you may want to recommend that the national energy policy needs to be coordinated another way. I just wanted to make that suggestion.

That's all I have.

Mr. TUCK. Thank you, sir.

The CHAIRMAN. Senator Conrad?

Senator CONRAD. Thank you, Mr. Chairman. Just briefly if I might.

One of the great concerns of the western states has been lack of availability of clean coal money or, to put it another way, the projects that have been approved for clean coal purposes have been almost without exception in the east. And I would be interested in your analysis of that situation, either or both, and what we might do to assure that western coals are also given some fair piece of the action in terms of clean coal.

Miss FITZPATRICK. Senator, we noticed the pattern and, of course, had it brought to our attention by a number of people. And in preparing for the next round of clean coal solicitations, which is due next month, we made a special effort to seek the advice and opinions of people in the western states and to take those into account in formulating the solicitation. We would like to have a level playing field. We do understand the program as being a national program applicable to all kinds of coal, and we hope to improve the record and have a good response on this next round.

Senator **Conrad**. We very much look forward to that. I have met with Senator Simpson who feels strongly on this matter, as do the Senators from Montana certainly as well as my state.

We have, as you know, the largest coal gasification facility in the country, the only commercial scale coal gasification facility. It is now in the private sector.

Do you believe that there is an ongoing Federal responsibility to adhere to the contracts or the Federal Government have a role in assuring that the contracts between those who purchase that gas and the company that sells it are adhered to? As you know, central to the long-term economic viability of that project is that the contracts with those who are taking the gas be adhered to, and we have had verbal assurances that the Department would assist us if those contracts were challenged.

Do you have any knowledge of that issue, and if so, what is your view of the maintenance of those contracts?

Miss **Fitzpatrick**. Senator, I don't think I'm in a position to give a legal opinion. I do know that the policy and position of the Department in the past has been that those contracts are enforceable and that they changed hands, of course, twice I guess in the process of the privatization—or the federalization and then reprivatization.

I can get you for the record, if you wish, whatever the opinion of the Department has been on that.

Senator **Conrad**. I would like to do that.

[The information referred to follows:]

As you know, the Department has a continuing interest in the economic viability of the Great Plains Project because of the revenue sharing provisions of the Asset Purchase Agreement. The enforceability of the Gas Purchase Agreement is essential to the economic success of the Project. The Department issued a written letter to Basin at closing consistent with this position. The letter in part provides that, where appropriate, it will request the assistance of the Department of Justice if these contracts were challenged.

Senator **Conrad**. And I would like to just finally commend publicly Alan Wampler, Assistant Secretary for Fossil Fuels. I can say to you on behalf of the people of my state, Republican and Democrat, that Alan Wampler has been one of the most effective public servants that my state has dealt with. And again, I say this on a bipartisan basis. He has dealt with the transaction in the most professional way leaving all parties impressed by the level of his professionalism. And I want to say that publicly.

My state is very much hopeful that there will be a place for him in a new regime. And we understand the desire for new faces, applaud that, but there ought to be a place for those who have demonstrated really rather extraordinary professionalism. And I want to draw that to your attention as well.

Mr. **Tuck**. Mr. Wampler has been exceedingly helpful to me as I made preparations to appear before this committee. He has an extraordinary record of achievement at the Department.

I spoke to him briefly last night following our discussion to explain to him the very favorable things that you had to say about him, and I am delighted that you have taken the opportunity to make that statement publicly.

Senator **Conrad**. Well, I think we are all quick to criticize government officials who don't perform well. I think we really ought to be quick to commend those who do. And I must say the way that he structured that deal was really exceptional. I think if in the private sector somebody had performed that well, they would have probably made a great deal of money for themselves. And he really ought to be commended for exemplary public service.

The **Chairman**. Thank you very much, Senator Conrad.

The record will remain open until 5:00 p.m. today for written questions to supplement our oral questions of today.

Again, I want to commend our nominees. We will expeditiously have this matter considered next Wednesday and then bring it promptly to the floor where I think the outcome looks favorable.

Thank you.

[Whereupon, at 11:48 a.m., the hearing was adjourned.]

APPENDIXES

APPENDIX I

Informational Statements of the Nominees

UNITED STATES SENATE
COMMITTEE ON ENERGY AND NATURAL RESOURCES

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Moore (LAST) W. (FIRST) Henson (OTHER)

Position to which nominated: Deputy Secretary, Dept. of Energy **Date of nomination:** 1/25/89

Date of birth: 4 (DAY) 10 (MONTH) 39 (YEAR) **Place of birth:** Lake Charles, Louisiana

Marital status: Married **Full name of spouse:** Carolyn Ann Cherry

Name and ages of children

William Henson IV	24
Jennifer Lee	21
Cherry Ann	19

Education:

Institution	Dates attended	Degrees received	Dates of degrees
Louisiana State University	1958-1965	B.A.	8/1961
		J.D.	1/1965
	1967-1973	M.A.	8/1973

Employment record: List below all positions held since college, including the title and description of job, name of employer, location, and dates.

1. Captain, U.S. Army, Company Commander, Dahn, Germany - 3/1965-3/1967
2. Attorney; partner; general trial practice; Dale, Owen, Richardson, Taylor & Mathews, 263 Riverside Mall, Baton Rouge, LA; 3/1967-1/1975
3. U.S. Representatives, U.S. House of Representatives, Washington, D.C. 1/1975-1/1987
4. Representative, Panama Canal Consultative Committee, one of three U.S. Members, U.S. State Department, Washington, D.C.; 6/1987-1/1989.
5. Attorney; partner; legislative and government relations practice. Sutherland, Asbill & Brennan; 1275 Pennsylvania Ave., N.W., Washington, D.C.; 1/3/1987 to present,

Employment record—Continued

Military service: Describe any military service not listed above, including dates, rank, and type of discharge.

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

National Defense Medal - U. S. Army

Memberships: List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Organization	Dates	Office held (if any)
D. C. Bar Association	10/88 - present	
Louisiana Bar Association	3/67 - present	
American Bar Association	3/67 - present	
Baton Rouge Rotary Club	3/68 - 1/75	
American Legion	3/70 - present	
Sons of American Revolution	3/70 - present	
Masonic Lodge	1/75 - present	

Published writings:

List the titles, publishers and dates of any books, articles, or reports you have written.

1. "Foreclosing Medical Malpractice Claims by Prompt Tender of Economic Loss", 44 Louisiana Law Review, 1267 (1984). Co-author.
2. "Despite Fiscal Limits, Legislators Must Meet Demand for Quality Care", MODERN HEALTHCARE, June 19, 1987. Author.
3. "Single Premium Products-Reprieve, Not Resolution", BEST'S INSURANCE MANAGEMENT REPORTS, December 14, 1987. Author.
4. "Hospitals Must Convince Congress to Keep Word on Medicare Rates", HEALTH PROGRESS, October 1988. Author.
5. "Legislative Proposals on Medical Professional Liability Regarding the Delivery of Maternal and Child Health Care", NATIONAL ACADEMY PRESS, for publication January, 1989.

Future employment relationships:

1. Will you sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate?

Yes

2. Do you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization?

No

3. Has a commitment for employment after you leave government been made to you by anyone? Have you made any such commitment?

No

4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

Future employment relationships—Continued

(b) If you have been appointed for an indefinite term, are there any known limitations on your willingness or ability to serve for the foreseeable future?

No

Financial statement:

1. Attach a copy of your Executive Personnel Financial Disclosure Report (SF 278).

2. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF 278, Schedule A.

Pursuant to Partnership Agreement dated 4/88, I will receive my capital account funds from Sutherland, Asbill & Brennan law firm in the amount category of $15,000 to $50,000.

3. Are you currently a party to any legal action? If so, describe its nature and status.

Yes - see Attachment A

4. Have you ever declared bankruptcy? If so, describe the circumstances.

No

5. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain.

Yes

6. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

Yes, for my 1974 return. No charges from the return resulted.

Potential conflicts of interest:

1. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated.

My wife owns, as separate property, common stock in Exxon.

2. Describe any business relationship, dealing or financial transaction (other than taxpaying) that you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, which might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated.

In 1988, as an attorney I represented Jacobs Engineering in rendering advice on securing the maintenance and engineering contract from the Department of Energy for the Strategic Petroleum Reserve. They were not selected and the contract is for a five year term.

3. Describe any lobbying activity which you have performed during the past 10 years with respect to legislative or administrative actions at the Federal, State or local level.

See Attachment B

4. Have you been informed of the conflict of interest laws and regulations applicable to the position to which you have been nominated?

Yes

Potential conflicts of interest—Continued

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to this form and the attachments thereto. Attach a statement of the appropriate agency ethics official explaining the applicable laws or regulations, any potential conflicts, and the action required to resolve such conflicts.

I will comply with the attached statement of the DOE Agency Ethics Official.

6. Explain how you will resolve any potential conflicts of interest that may arise in the future if you are confirmed for the position for which you have been nominated.

I will consult with DOE's Agency Ethics Official to avoid any potential conflicts of interest before they arise and resolve any potential conflict that may arise.

Public disclosure: Do you have any objections to this form and the attachments thereto being made public?

No

AFFIDAVIT

I, W. Henson Moore, ss being duly sworn, hereby state that I have read the foregoing Statement for Completion by Presidential Nominees, including all attachments thereto, and that the information provided therein is, to the best of my knowledge and belief, current, accurate, and complete.

(Signature of Nominee)

Subscribed and sworn to before me this 24 day of March, 1989

Notary Public

My Commission Expires April 30, 1993

Form approved by the Committee February 5, 1985.

U.S. GOVERNMENT PRINTING OFFICE [illegible]

ATTACHMENT A

Financial statement: Part 3, Page 4

Legal Action:

A lawsuit was filed against me, Robert Goodman and Travelers Insurance Company on June 13, 1988, by Nicholas Estiverne in Civil District Court for the Parish of Orleans, Case No. 88-6550, Division L, Docket 4. The suit alleges the plaintiff suffered mental anguish and embarrassment as a result of appearing briefly as a face in the crowd in a television political advertisement prepared by Goodman for my 1986 Senate campaign. Plaintiff seeks $700,000 in damages. The suit is viewed as a nuisance suit and plaintiff recently offered to settle for $15,000 which was refused by Travelers.

ATTACHMENT B

CONTINUED: Part 3, Page 5

American Insurance Association	Legal services on High Risk Occupational Disease Notification bill
American Bar Endowment	Legal services on possible tax legislation
Atec, Inc.	Legal services in matter relating to Dept. of Labor
Baker-Hughes Production Tools	Legal services on possible tax legislation
Bayou Des Familles	Legal services in matter relating to Dept. of Interior
Bear, Stearns & Company	Legal services in matter relating to World Bank
Cassidy, R.R. Inc	Legal services in matter relating to EPA
City of New Orleans (LA)	Legal services as tax policy counsel on tax bill
City of Baton Rouge (LA)	Legal services as Washington counsel on federal matters
Council of Industrial Boiler Owners	Legal services on matter relating to EPA
Dataproducts Corporation	Legal services on trade sanction legislation
Federal Intermediate Credit Banks	Legal services on tax legislation
Forethought Life Insurance Co.	Legal services as tax counsel on tax bill
Great West Life Insurance	Legal services as tax counsel on tax bill
Hand, Arendall, Bedsole, Greaves & Johnston	Legal services on tax bill
Dr. Edward J. Hannie	Legal services on matter relating to HUD

Health Future Foundation	Legal services on matter relating to HHS/HCFA
Jacobs Engineering	Legal services on matter relating to DOE
Minnesota Mutual Life Insurance Company	Legal services on tax bill
Mutual of Omaha	Legal services on tax bill
New Jersey Insurance Guaranty Assn.	Legal services on tax bill
North American Company for Life & Health	Legal services on tax bill
Philip Morris, Inc.	Legal services on tax bill
Protestant Publishers Association	Legal services on pending legislation
State of Nevada	Legal services regarding implementation of 1982 Waste Policy Act
Swaggart Ministries	Legal services for Subcommittee hearing preparation

DOE F 1325.8
(12-84)

United States Government **Department of Energy**

memorandum

DATE [illegible]

REPLY TO
ATTN OF GC-43

SUBJECT Statement of Agency Ethics Official for Senate Committee

TO W. Henson Moore

This memorandum is intended to serve as a statement from the designated agency ethics official for this Department, as required by the Statement for Completion by Presidential Nominees that you are submitting to the United States Senate Committee on Energy and Natural Resources in connection with your nomination for the position of Deputy Secretary of Energy. I have reviewed your Standard Form 278 (Financial Disclosure Report) dated January 16, 1989, and your Form DOE-460 (Report on Prior Employment) dated January 30, 1989, and have certified that the information contained therein discloses no conflict of interest under applicable laws and regulations.

As an employee of the Department, you will be prohibited by section 208(a), title 18, United States Code, from participating personally and substantially, as a Government employee, in any particular matter in which, to your knowledge, you have, or your spouse, minor child, partner, organization in which you are serving as officer, director, trustee, partner, or employee, or any person or organization with whom you are negotiating or have any arrangement concerning prospective employment has, a financial interest. Accordingly, you should avoid participation in any particular matter the outcome of which could have a direct and predictable effect on any such financial interests.

On Schedule A of your Standard Form 278, you have listed your spouse's ownership of Exxon Corporation common stock. You have advised me that your spouse, Carolyn C. Moore, now receives income from a portion of the stock, but that her interest in the remainder of the stock is subject to the usufructuary interest of her mother. Under this arrangement, Mrs. Moore's mother receives dividend income generated by that portion of the stock; upon the death of her mother, she will be entitled to receive this income.

Exxon Corporation has interests that could be affected by the Department's programs or policies. You have informed me that, in order to avoid any suggestion of a conflict of interest on your part, your spouse has agreed to divest, upon your confirmation and appointment, that portion of the stock which is unencumbered by the usufructuary interest.

Further, Mrs. Moore will establish a trust through which she will irrevocably convey to an independent trustee 1/ the remainder of the Exxon stock. I understand that, under this arrangement, the trustee will add income earned by the trust to the principal, except that portion of the income derived from the usufructuary interest, which shall go to Mrs. Moore's mother during her lifetime; upon the death of her mother, Mrs. Moore will acquire a life interest in the total income from the trust. It is my understanding that, while the trust will terminate upon the death of your spouse, you will be excluded, under the provisions of the trust instrument and of your spouse's will, from inheriting the assets of, or a right to the income of, the trust. These interests will instead pass to your children, none of whom are, at this time, minors under applicable state law. 2/

In view of your spouse's interest in this trust, you have agreed to recuse yourself from participation in any particular matter the outcome of which could have a direct and predictable effect specifically on Exxon Corporation. You will also be required to recuse yourself from matters that could have a direct and predictable effect upon the oil and gas industry, unless the Secretary determines that, with respect to such matters, your spouse's interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from you. As we have discussed, I plan to recommend that the Secretary grant you this waiver, because it appears that your spouse's interest is, at this time, sufficiently remote and insubstantial as to be deemed unlikely to affect the integrity of the services which the Government may expect from you with respect to such matters.

You have advised me that, upon confirmation and appointment, you will resign from positions that you now hold with the following non-profit organizations: Jefferson Energy Foundation, Institute for Research on the Economics of Taxation, American Council for Capital Formation, and the Committee for a Responsible Federal Budget. You have also advised me that you will resign, upon confirmation and appointment, as a registered foreign agent for the British colony of Bermuda.

You have informed me that, upon confirmation and appointment, you will resign from the law firm of Sutherland, Asbill and Brennan, and that you will receive immediate distribution of your share of the firm's capital account. You have stated that this arrangement is in accordance with the firm's standard written partnership agreement, and that you will not retain a pension or other benefit

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1/ Robert A. Hawthorne, Jr., will be named as the trustee, and William R. D'Armond as the successor trustee. You have advised me that Mr. Hawthorne and Mr. D'Armond are neither members of your family, nor business associates within the contemplation of section 208(a).

2/ Maryland law provides that majority is attained at eighteen years. You have advised me that your children are now 19, 21, and 24 years of age.

as a result of your employment by the law firm. In order to avoid any suggestion of a conflict of interest, you have agreed that, for a period of one year from the termination of your employment with your law firm, you will recuse yourself from participating in any particular matter involving a specific party in which your former law firm is involved.

On Schedule D, Part II, of your Standard Form 278, you have listed clients for whom you provided legal services. You have agreed that, for a period of one year from the date that you last provided services to each such client, you will recuse yourself from participating in any particular matter involving a specific party in which that former client is involved.

With respect to your participation in matters involving your former clients or employer, Rule 1.11(c)(1) of the Rules of Professional Conduct of the Louisiana State Bar Association may also be pertinent. 3/ Rule 1.11(c)(1) 4/ states that a lawyer serving as a public officer or employee shall not participate in a "matter in which the lawyer participated personally and substantially while in private practice or nongovernmental employment, unless under applicable law no one is, or by lawful delegation may be, authorized to act in the lawyer's stead in the matter."

The term "matter" is defined in Rule 1.11(d) to include:

> (1) Any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter involving a specific party or parties; and
>
> (2) Any other matter covered by the conflict of interest rules of the appropriate government agency.

You have identified Jacobs Engineering, Inc. as a client for whom you provided legal services with respect to the company's proposal to provide services to

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3/ Section 606(a) of the DOE Organization Act (Pub. L. No. 95-91) restricts certain employees of the Department, who were previously employed by energy concerns, from participating in matters in which the former employer is involved. I have determined, however, that these restrictions do not apply to you since none of your former clients or employers has been determined to be an energy concern within the meaning of the Act.

4/ I understand that you are a member of the Louisiana State Bar and the District of Columbia Bar as well as the American Bar Association. Louisiana's Rule 1.11 tracks the language of Rule 1.11 of the American Bar Association Model Rules of Professional Conduct. The Code of Professional Responsibility of the District of Columbia Bar does not now contain similar provisions specifically applicable to public service employment.

the Strategic Petroleum Reserve (SPR). 5/ The proposal by Jacobs Engineering appears to be a "particular matter involving a specific party" within the meaning of Rule 1.11(d)(1). Although, I cannot give you dispositive advice on the application of the rules of the Lousiana bar, it appears that Rule 11.1(c) would be applicable to your situation with respect to matters directly related to the awarding of this contract, and that, therefore, you should avoid participation in such matters as a Government employee. 6/

The meaning of Rule 1.11(d)(2), however, is less clear. DOE conflict of interest rules (other than those discussed above) address a wide variety of "matters," including policy and rulemaking. But they are not intended for the context addressed by Rule 1.11(c). Accordingly, I believe that Rule 1.11(d)(2) would not apply to your situation. However, should you anticipate that you may be involved in a matter in which you were personally or substantially involved while in private practice, 7/ it would be prudent to make a specific inquiry to the Louisiana Bar regarding the interpretation of this rule.

You should also be aware that, as a supervisory employee of the Department, you will be prohibited by section 602(a) of the DOE Organization Act (Pub. L. No. 95-91) from knowingly receiving compensation from, holding any official relation with, or having any pecuniary interest in any energy concern. The term "energy concern" is defined in section 601(b) of the Act as any entity "significantly engaged in the business" of any of a variety of activities related to energy, production, distribution, sale, or research and development, or any entity significantly engaged in such research and development pursuant to a DOE-funded program irrespective of whether it otherwise engages in such business. The term also includes any entity holding an interest in property from which an energy resource is commercially produced or obtained.

5/ Jacobs Engineering was not selected as the contractor for this procurement.

6/ It is unlikely that any such matter will arise. However, to avoid any appearance of conflict interest, you have agreed to recuse yourself from any future contract award for this work if Jacobs Engineering is a proposed contractor.

7/ We have been advised by Counsel to the Louisiana State Bar Association that rule 1.11(c) applies to any matters in which you participated as a non-government employee, whether or not as counsel. Therefore, this rule would extend to matters in which you participated as an officer of the non-profit organizations listed on Schedule D of your SF 278, as well as matters for which you provided legal counsel.

Your Standard Form 278 does not list any interest in an energy concern currently held by you. I am available to provide you with guidance should an issue arise under this provision in the future.

Please let me know if I can be of further assistance.

Ralph D. Goldenberg

Ralph D. Goldenberg
Assistant General Counsel
for General Law

UNITED STATES SENATE
COMMITTEE ON ENERGY AND NATURAL RESOURCES

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Tuck (LAST) John (FIRST) (OTHER)

Position to which nominated: Under Secretary

Date of nomination:

Date of birth: 28 (DAY) 05 (MONTH) 45 (YEAR)

Place of birth: Dayton, Ohio

Marital status: Married

Full name of spouse: Jane McDonough Tuck

Name and ages of children

John Chatfield Tuck, II 9 yrs. old
Timothy Francis Tuck 7 yrs. old
Christopher Michael Tuck 4 yrs. old

Education:

Institution	Dates attended	Degrees received	Dates of degrees
Georgetown University	9/63-9/67	B.S.F.S.	9/67
Oakwood High School	9/59 -6/63		6/63

Employment record: List below all positions held since college, including the title and description of job, name of employer, location, and dates.

6/88-2/89 Assis. to the President & Director, Ofc. of Chief of Staff. Ken Duberstein, The White House, Washington, D.C. 20500

3/87-6/88 Dep. Assist. to the President & Exec. Assist. to Chief of Staff. Howard H. Baker, Jr., The White House, Washington, DC 2050

5/86-3/87 Dep. Assist. to the President for Legislative Affairs. Will Ball, The White House, Washington, D.C. 20500.

2/86-5/86 Special Assist. to the President for Legis. Affairs. Pam Turner, The White House, Washington, D.C. 20500.

1/81-2/86 Assist. Secy. for the Majority, U.S. Senate. Howard O. Greene, U.S. Senate, U.S. Capitol, Washington, D.C. 20510

5/75-1/81 Chief, Floor Information Service. The Hon. John Rhodes, House Minority Leader, U.S. House of Representatives, Washington, D.C. 20515.

4/74-5/75 File Clerk, Ofc. of Records/Registration. The Hon. John Rhodes, House Minority Leader, U.S. House ofRep., Washington.

6/73-present Captain U.S. Naval Reserve. Capt. B. Hatton, 3404 Saylor Place, Alexandria, VA 22304

Employment record—Continued

Military service: Describe any military service not listed above, including dates, rank, and type of discharge.

I have participated in the inactive reserve of the U.S. Navy since release from active duty 1/73. I am currently assigned to the Assis. Chief of Naval Operations Surface Warfare where I perform as the reserve counter part for the Head of the Budget and Programming Division of OP 03.

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Twice - recipient of the Naval Achievement Medal while on active duty

Memberships: List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Organization	Dates	Office held (if any)
President's Commission on White House Fellows	'88	
Board of Visitors to the U.S. Naval Academy	1/89	

Published writings:

List the titles, publishers and dates of any books, articles, or reports you have written.

None

Future employment relationships:

1. Will you sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate?

Yes

2. Do you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization?

No

3. Has a commitment for employment after you leave government been made to you by anyone? Have you made any such commitment?

No

4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

N/A

Future employment relationships—Continued

(b) If you have been appointed for an indefinite term, are there any known limitations on your willingness or ability to serve for the foreseeable future?

No

Financial statement

1. Attach a copy of your Executive Personnel Financial Disclosure Report (SF 278).

2. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF 278, Schedule A.

N/A

3. Are you currently a party to any legal action? If so, describe its nature and status.

No

4. Have you ever declared bankruptcy? If so, describe the circumstances.

No

5. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain.

Yes

6. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

No

Potential conflicts of interest:

1. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated.

None

2. Describe any business relationship, dealing or financial transaction (other than taxpaying) that you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, which might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated.

None

3. Describe any lobbying activity which you have performed during the past 10 years with respect to legislative or administrative actions at the Federal, State or local level.

N/A

4. Have you been informed of the conflict of interest laws and regulations applicable to the position to which you have been nominated?

Yes

Potential conflicts of interest—Continued

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to this form and the attachments thereto. Attach a statement of the appropriate agency ethics official explaining the applicable laws or regulations, any potential conflicts, and the action required to resolve such conflicts.

I will abide by the advice of the Office of the General Counsel.

6. Explain how you will resolve any potential conflicts of interest that may arise in the future if you are confirmed for the position for which you have been nominated.

I would abide by the advice of the Office of the General Counsel.

Public disclosure: Do you have any objections to this form and the attachments thereto being made public?

No

AFFIDAVIT

DISTRICT OF
COLUMBIA } ss
John C. Tuck, being duly sworn, hereby state that I have read the foregoing Statement for Completion b Presidential Nominees, including all attachments thereto, and that the information provided therein is, to the best of my knowledg and belief, current, accurate, and complete.

John C. Tuck
(Signature of Nominee)

Subscribed and sworn to before me this 29th day of March, 19 89

Notary Public

My Commission Expires November 14, 1989

Form approved by the Committee February 5, 1985.

U.S. GOVERNMENT PRINTING OFFICE: 1987—67-074

DOE F 1325.8
(12-84)

United States Government **Department of Energy**

memorandum

DATE: MAR 29 1989

REPLY TO ATTN OF: GC-43

SUBJECT: Statement of Agency Ethics Official for Senate Committee

TO: John C. Tuck

This memorandum is intended to serve as a statement from the designated agency ethics official for this Department~~, as~~ required by question 5, page 6, of the Statement for Completion by Presidential Nominees that you are submitting to the United States Senate Committee on Energy and Natural Resources in connection with your nomination for the position of Under Secretary, Department of Energy. I have reviewed your Standard Form 278 (Financial Disclosure Report) dated March 28, 1989, and your Form DOE-460 (Report on Prior Employment) dated March 29, 1989, and have determined that the information contained therein discloses no conflict of interest under applicable laws and regulations. */

As a supervisory employee of the Department, you are prohibited by section 602(a) of the DOE Organization Act (Pub. L. No. 95-91) from knowingly receiving compensation from, holding any official relation with, or having any pecuniary interest in any energy concern. The term "energy concern" is defined in section 601(b) of the Act as any entity "significantly engaged in the business" of any of a variety of activities related to energy production, distribution, sale, or research and development, or any entity significantly engaged in such research and development pursuant to a DOE-funded program irrespective of whether it otherwise engages in such business. The term also includes any entity holding an interest in property from which an energy resource is commercially produced or obtained.

In addition, section 208, title 18, United States Code, prohibits you from participating personally and substantially, as a Government employee, in any particular matter in which, to your knowledge, you have or your spouse, minor child, partner, organization in which you are serving as officer, director, trustee, partner, or employee, or any person or organization with whom you are negotiating or have any arrangement concerning prospective employment has, a financial interest.

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*/ Section 201(b) of the Ethics in Government Act (Pub. L. No. 95-521) requires the income and honoraria information on your form to be updated within five days before the date of the Committee hearing to consider your nomination.

Accordingly, you should avoid participation in any particular matter the outcome of which could have a direct and predictable effect on any such financial interests.

Please let me know if I can be of further assistance.

Ralph D. Goldenberg
Assistant General Counsel
for General Law

SF 278 (Rev. 1/89)
FPM Chapter 734
U.S. Office of Personnel Management

Financial Disclosure Report

Form Approved
OMB No. [illegible]

Page 1

Reporting Status *(Check Appropriate Box)*: ☐ Incumbent ☒ New Entrant, Nominee, or Candidate ☐ Termination Filer

Agency Use Only:

OGE Use Only:

Date of Appointment, Candidacy, Election or Nomination *(Mo., Day, Yr.)*: March 7, 1989

Termination Date *(If Applicable)* *(Month, Day, Year)*:

Reporting Individual's Name
Last Name: Tuck
First Name and Middle Initial: John C.

Position for Which Filing
Title of Position: Under Secretary
Department or Agency *(If Applicable)*: Department of Energy

Location of Present Office
Address *(Number, Street, City, State and ZIP Code)*: 1000 Independence Ave., SW Washington, D.C. 20585
Telephone No. *(Include Area Code)*: (202) 586-6476

Position(s) Held With the Federal Government During the Preceding 12 Months *(If Not Same as Above)*
Title of Position(s) and Date(s) Held: Assistant to the President & Director, Ofc. of the Chief of Staff The White House 6/88-2/89 Deputy Assis. to the President 4/87-6/88

Presidential Nominees Subject to Senate Confirmation
Name of Congressional Committee Considering Nomination: Senate Committee on Energy and Natural Resources
Do You Intend to Create a Qualified Diversified Trust? ☐ Yes ☐ No

Certification
I CERTIFY that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge and belief.
Signature of Reporting Individual: C. Tuck
Date *(Month, Day, Year)*: March 28, 1989

Other Review (If desired by agency)
Signature of Other Reviewer:
Date *(Month, Day, Year)*:

Agency Ethics Official's Opinion
The information contained in this report discloses no conflict of interest under applicable laws and regulations.
Signature of Designated Agency Ethics Official/Reviewing Official:
Date *(Month, Day, Year)*:

Office of Government Ethics Use Only
Signature:
Date *(Month, Day, Year)*:

Reporting Periods

Incumbents: Complete Schedules A, B, C, and Part I of D. The reporting period is the preceding calendar year except for Part II of Schedule C and Part I of Schedule D where you must also include any positions held or agreements or arrangements made from the beginning of the filing year until the date you file.

Termination Filers: Complete Schedules A, B, C, and Part I of D. The reporting period begins at the end of the period covered by your previous filing and ends at the date of termination.

Nominees, New Entrants and Candidates for President and Vice President: Complete Schedules A, C, and D. (Candidates do not file Part II of Schedule D.)

- **Schedule A**—The reporting period for income (BLOCK C) and Transactions Test (BLOCK D) is the preceding calendar year and the current calendar year up to the date of filing. Value assets in BLOCK B as of any date you choose that is within 31 days of the date of filing.
- **Schedule C, Part I** (Liabilities)—The reporting period is the preceding calendar year and the current calendar year up to any date you choose that is within 31 days of the date of filing.
- **Schedule C, Part II** (Agreements and Arrangements)—Show any agreements or arrangements as of the date of filing.
- **Schedule D**—The reporting period is the preceding two calendar years and the current calendar year up to the date of filing.

Comments of Reviewing Officials *(If additional space is required, use the reverse side of this sheet)*

(Check box if comments are continued on the reverse side) ☐

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278-108

NSN 7540-01-070-8444

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U.S. Office of Personnel Management

Form Approved
OMB No. [illegible]

Reporting Individual's Name John C. Tuck	**Assets and Income**	Page Number	2	Schedule A

All Filers: In BLOCK A report (a) the identity of each asset held for the production of income at the close of the reporting period which had a fair market value exceeding $1000 and (b) any other asset or source of income which generated over $100 in income during the reporting period. This includes but is not limited to employers, stocks, bonds, tax shelters, bank accounts, real property, mutual funds, pensions, IRA assets, assets of certain trusts, commodities futures, personal businesses and partnership interests. **Exclude** your personal residence unless you rent it out. See instructions for rules on bank accounts and complex holdings.

All Filers: In BLOCK B report the value of each asset listed in BLOCK A which had a fair market value exceeding $1000 at the close of the reporting period.

All Filers: In BLOCK C report the type and amount of income exceeding $100 or more received from the assets and other sources of income listed in BLOCK A. You must report the **actual amount** of any income not of a type specifically noted below. You need not report the actual amount of your spouse's earned income, only the source in BLOCK A. You may not check "qualified trust" unless you have a blind trust which has been specifically approved by the Office of Government Ethics. If you, your spouse or dependent child are the beneficiary of a trust which no one of you created and has no knowledge of the assets, refer to the instructions to see if it qualifies as an "excepted trust." If "none" (or less than $101) is checked under Category of Amount of Income, no other entries need be made in BLOCK C for that item.

Incumbents and Termination Filers only: In BLOCK D, for any real property, stocks, bonds, commodities futures and other securities listed in BLOCK A, did you purchase, sell, or exchange the item during the reporting period for a value that exceeds $1000?

	BLOCK A Assets & Income Sources	BLOCK B Valuation of Assets							BLOCK C Income																	BLOCK D Transactions Test	
	Identify each asset and income source of yours, your spouse(S) and your dependent child (DC). NONE ☐	Category of Value (X)							Type of Income (X)							Category of Amount of Income (X)										If yes, complete Schd. B Part I for those assets including those sold for a loss	
S or DC		None (or less than $1001)	$1,001-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	$100,001-$250,000	Over $250,000	Dividends	Rent	Interest	Capital Gains	Excepted Trust	Qualified Trust	Other (Specify Type)	None (or less than $101)	$101-$1,000	$1,001-$2,500	$2,501-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	Over $100,000	Actual Amount Only if "Other" Specified	Date (Mo., Day, Yr.) Only if Honoraria	YES	NO
Examples	X Y Z Common				x				x									x								x	
	Doe Jones & Smith, Hometown, USA			x											ptnrshp income									$50,000			
1	Navy Federal Credit Union				X						X							X (remains in account)									
2	IRA (non self directed)																										
3	Real estate(2½ acres) undeveloped in San Bernadino, CA			X																							
4																											
5																											
6																											
7																											
8																											
9																											
10																											

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FPM Chapter 734
U.S. Office of Personnel Management

Form Approved
OMB No. [illegible]

Reporting Individual's Name	John C. Tuck

Page Number	3	Schedule B

Part I
Transactions

Incumbents and Termination Filers only: Report any purchase, sale or exchange by you, your spouse or dependent child during the reporting period of any real property, stocks, bonds, commodities futures, and other securities when the amount of the transaction exceeded $1,000. Include transactions that resulted in a loss. Do not report a transaction involving property used solely as your personal residence, or a transaction between you, your spouse or your dependent child.

NONE ☒

S or DC		Identification of Assets	Type of Transaction (X)				Amount of Transaction (X)					
			Purchase	Sale	Exchange	Date (Mo., Day, Yr.)	$1,001-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	$100,001-$250,000	Over $250,000
	Example:	X Y Z Common	X			2/1/83			X			
1												
2												
3												
4												
5												
6												

Part II
Gifts, Reimbursements and Travel Expenses

Incumbents and Termination Filers only:
Report the source, a brief description and the value of: (1) in-kind gifts of transportation, lodging, food or entertainment received from one source totaling $250 or more unless received as personal hospitality at the donor's personal or family residence; (2) other gifts received from one source totaling $100 or more in value; and (3) cash reimbursements of $250 or more received from one source. Exclude gifts and reimbursements received by your spouse that were given totally independent of their relationship to you. Exclude transportation, lodging, food and reimbursements from the U.S. Government. For (1) and (2), exclude gifts from relatives and exclude gifts of $35 or less when aggregating them for the total from one source. See instructions for further exclusions.

NONE ☒

S		Source (Name and Address)	Brief Description	Value
	Examples:	Nat'l Assn. of Rock Collectors, NY, NY	Airline ticket, hotel room & meals incident to national conference 6/15/83	$500
		Nat'l Assn. of Rock Collectors, NY, NY	Leather briefcase for retiring president	$125
1				
2				
3				
4				
5				
6				

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FPM Chapter 734
U.S. Office of Personnel Management

Form Approved
OMB No. [illegible]

Reporting Individual's Name
John C. Tuck

Page Number	4	Schedule C

Part I
Liabilities

All Filers: Report liabilities over $10,000 owed to any one creditor at any time during the reporting period by you, your spouse or dependent child. Check the highest amount owed during the reporting period. **Exclude** a mortgage on your personal residence unless it is rented out, loans secured by automobiles, household furniture or appliances, and liabilities owed to relatives. See instructions for revolving charge accounts.

NONE ☒

		Creditor (Name and Address)	Type of Liability	Date Incurred	Interest Rate	Term if applicable	Category of Amount or Value (X)				
							$10,001 to $15,000	$15,001 to $50,000	$50,001 to $100,000	$100,001 to $250,000	Over $250,000
S or DC	Examples:	First District Bank, Washington, DC	Mortgage on rental property, Rehoboth Beach, Delaware	1981	13%	25 yrs.			X		
		John Jones, 123 J St., Washington, DC	Promissory note	1979	10%	on demand	X				
1											
2											
3											
4											
5											
6											

Part II
Agreements Or Arrangements

All Filers: Report your agreements or arrangements for future employment, leaves of absence, continuation of payment by a former employer (including severance payments), or continuing participation in an employee benefit plan. See instructions regarding the reporting of negotiations for any of these arrangements or benefits.

NONE ☒

	Status and Terms of any Agreement or Arrangement	Parties	Date (Mo., Yr.)
Example:	Pursuant to partnership agreement, will receive capital account & partnership share calculated on service performed through 11/83	Doe Jones & Smith, Home town, USA	7/78 ptnership agmnt.

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U.S. Office of Personnel Management

Form Approved
OMB No. [illegible]

Reporting Individual's Name	John C. Tuck

Page Number	5	Schedule D

Part I
Positions Held Outside U.S. Government

All Filers: Report any positions held during the applicable reporting period. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. **Exclude** positions with religious, social, fraternal, or political entities or those solely of an honorary nature.

NONE ☒

	Organization (Name and Address)	Type of Organization	Position Held	From (Mo., Yr.)	To (Mo., Yr.)
Examples:	Nat'l Assn. of Rock Collectors, NY, NY	Non-profit education	President	6/82	6/83
	Doe Jones & Smith, Hometown, USA	Law firm	Partner	7/78	11/83

Part II
Compensation In Excess Of $5000
Paid by One Source

Nominees and New Entrants only: Report sources of such compensation received by you or your business affiliation for services directly provided by you during the reporting period. This includes the names of clients and customers of any corporation, firm, partnership or other business enterprise, or any nonprofit organization, when you directly provided the services generating a fee or payment of more than $5,000. You need not report the U.S. Government as a source.

NONE ☒

	Source (Name and Address)	Brief Description of Duties
Examples:	Doe Jones & Smith, Hometown, USA	Legal services
	Metro University (client of Doe Jones & Smith) Hometown, USA	Legal services in connection with university construction

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278-108

UNITED STATES SENATE
COMMITTEE ON ENERGY AND NATURAL RESOURCES
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Fitzpatrick (LAST) Donna (FIRST) (OTHER)

Position to which nominated: Assistant Secretary, Management & Administration

Date of nomination:

Date of birth: 09 (DAY) 05 (MONTH) 48 (YEAR)

Place of birth: Washington, DC

Marital status: Single

Full name of spouse: N/A

Name and ages of children: N/A

Education:

Institution	Dates attended	Degrees received	Dates of degrees
American University Washington, DC	1968-72	BA Physics	1972
National Law Center George Wash. University Washington, DC	1976-80	JD	1980

Employment record

List below all positions held since college, including the title and description of job, name of employer, location, and dates.

1. Faculty Member, Georgetownn Visitation Prep School, Wash. DC
Taught chemistry and mathematics, 1972-1974
2. Faculty Member, Academy of the Sacred Heart, Bloomfield Hills, MI
Taught chemistry, mathematics and physical science, 1974-1976
3. Legal Assistant, O'Connor & Hannan, Washington, DC 1976-1980
4. Associate Attorney, O'Connor & Hannan, Washington, DC 1980-1983
5. Attorney, sole practitioner, Washington, DC 1983-1984
6. Consultant, US Department of Energy, Washington, DC 1983-1984
7. Principal Deputy Assistant Secretary, US Department of Energy,
1/84-12/85 (Office of Conservation and Renewable Energy)
8. Acting Assistant Secretary, Office of Conservation and Renewable
Energy, 3/85-12-85
9. Assistant Secretary, Office of Conservation and Renewable Energy,
12/85-5/88
10. Associate Under Secretary, US Department of Energy, 5/88-9/88

Employment record—Continued

11. Under Secretary, US Department of Energy, 9/88-Present

Military service: Describe any military service not listed above, including dates, rank, and type of discharge

NONE

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

NONE

Memberships: List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Organization	Dates	Office held (if any)
American Bar Association	1980-1986	NONE
DC Bar Association	1980-Present	NONE
Embassy Park Homeowners' Association, INC	1980-present	Director & VP 1982-85
American Security Council	1983-Present	NONE
George Washington University Alumni Association	1980-Present	NONE
Georgetown Visitation Alumni Association	1966-Present	Endowment Fund Chariman, 1982-85
Georgetown Visitation Prep School Advisory BD	1986-Present	MEMBER

Published writings:

List the titles, publishers and dates of any books, articles, or reports you have written.

The Third Stage, Crisis Magazine, May, 1988

Future employment relationships:

1. Will you sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate?

Same employer

2. Do you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization?

No

3. Has a commitment for employment after you leave government been made to you by anyone? Have you made any such commitment?

No

4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

N/A

Future employment relationships—Continued

(b) If you have been appointed for an indefinite term, are there any known limitations on your willingness or ability to serve for the foreseeable future?

No

Financial statement:

1. Attach a copy of your Executive Personnel Financial Disclosure Report (SF 278).

2. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF 278, Schedule A.

None

3. Are you currently a party to any legal action? If so, describe its nature and status.

No

4. Have you ever declared bankruptcy? If so, describe the circumstances.

No

5. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain.

Yes

6. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

No

Potential conflicts of interest:

1. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated.

None

2. Describe any business relationship, dealing or financial transaction (other than taxpaying) that you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, which might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated.

None

3. Describe any lobbying activity which you have performed during the past 10 years with respect to legislative or administrative actions at the Federal, State or local level.

From 1977 to 1982, as an employee of O'Connor & Hannan, I participated in representation of the Capitol Gateway Corp. before the Departments of Transportation, Interior, and Housing and Urban Development, the Senate Appropriations Committee, the District of Columbia Council and the DC Departments of Community Development & Transportation, in connection with an urban development project in the District.

4. Have you been informed of the conflict of interest laws and regulations applicable to the position to which you have been nominated?

Yes

Potential conflicts of interest—Continued

5 Explain how you will resolve any potential conflict of interest that may disclosed by your responses to this form and the attachments thereto. Attac statement of the appropriate agency ethics official explaining the applica laws or regulations, any potential conflicts, and the action required to resol such conflicts.

I will abide by the advice of the Office of General Counsel.

6 Explain how you will resolve any potential conflicts of interest that may arise the future if you are confirmed for the position for which you have be nominated.

I will abide by the advice of the Office of General Counsel.

Public disclosure Do you have any objections to this form and the attachments thereto being ma public?

No

AFFIDAVIT

DISTRICT OF
COLUMBIA } ss

I, Donna R. Fitzpatrick, being duly sworn, hereby state that I have read the foregoing Statement for Completion Presidential Nominees including all attachments thereto, and that the information provided therein is, to the best of my knowled and belief, current, accurate, and complete

Donna R. Fitzpatrick
(Signature of Nominee)

Subscribed and sworn to before me this 2nd day of February, 1989

Notary Public

My Commission Expires November 14, 1989

Form approved by the Committee February 5, 1985.

DONNA R. FITZPATRICK

Residence:	Office:
4393 Embassy Park Drive, NW	U.S. Department of Energy
Washington, DC 20016	Washington, DC 20585
(202) 966-3397	(202) 586-5500

Birthdate: May 9, 1948 **Health:** Excellent

Education:	1980, J.D., George Washington University 1972, B.A., Physics, cum laude, American University

Employment:

1988 to Present	Under Secretary of Energy
1985-1988	Assistant Secretary for Conservation and Renewable Energy
1984-1985	Principal Deputy Assistant Secretary for Conservation and Renewable Energy
1983-1984	Sole practitioner, general practice of law; consultant to Secretary and Under Secretary, U.S. Department of Energy
1980-1983	Associate attorney, O'Connor & Hannan, practicing in the fields of real estate, taxation, business organization, wills, and probate administration.
1980	Office of the President Elect, Member of the Transition Team for the National Science Foundation.
1976-1980	Legal Assistant, O'Connor & Hannan.
1974-1976	Faculty member, Academy of the Sacred Heart, Bloomfield Hills, Michigan. Taught chemistry, physical science, calculus, analytic geometry, algebra, probability and statistics, astronomy, and computer programming.
1972-1974	Faculty member, Georgetown Visitation Preparatory School, Washington, D.C. Taught algebra, chemistry, and astronomy.

Interests: Science, history, politics, economics. outdoor sports, classical music, and travel.

DOE F 1325.8
[illegible]

United States Government Department of Energy

memorandum

DATE MAR 24 1989

REPLY TO ATTN OF GC-43

SUBJECT Statement of Agency Ethics Official for Senate Committee

TO Donna R. Fitzpatrick

This memorandum is intended to serve as a statement from the designated agency ethics official for this Department, as required by question 5, page 6, of the Statement for Completion by Presidential Nominees that you are submitting to the United States Senate Committee on Energy and Natural Resources in connection with your nomination for the position of Assistant Secretary, Management and Administration. I have reviewed your Standard Form 278 (Financial Disclosure Report) dated January 31, 1989, and have certified that the information contained therein discloses no conflict of interest under applicable laws and regulations. */

As a supervisory employee of the Department, you are prohibited by section 602(a) of the DOE Organization Act (Pub. L. No. 95-91) from knowingly receiving compensation from, holding any official relation with, or having any pecuniary interest in any energy concern. The term "energy concern" is defined in section 601(b) of the Act as any entity "significantly engaged in the business" of any of a variety of activities related to energy production, distribution, sale, or research and development, or any entity significantly engaged in such research and development pursuant to a DOE-funded program irrespective of whether it otherwise engages in such business. The term also includes any entity holding an interest in property from which an energy resource is commercially produced or obtained.

In addition, section 208, title 18, United States Code, prohibits you from participating personally and substantially, as a Government employee, in any particular matter in which, to your knowledge, you have or your spouse, minor child, partner, organization in which you are serving as officer, director, trustee, partner, or employee, or any person or organization with whom you are negotiating or have any arrangement concerning prospective employment has, a financial interest.

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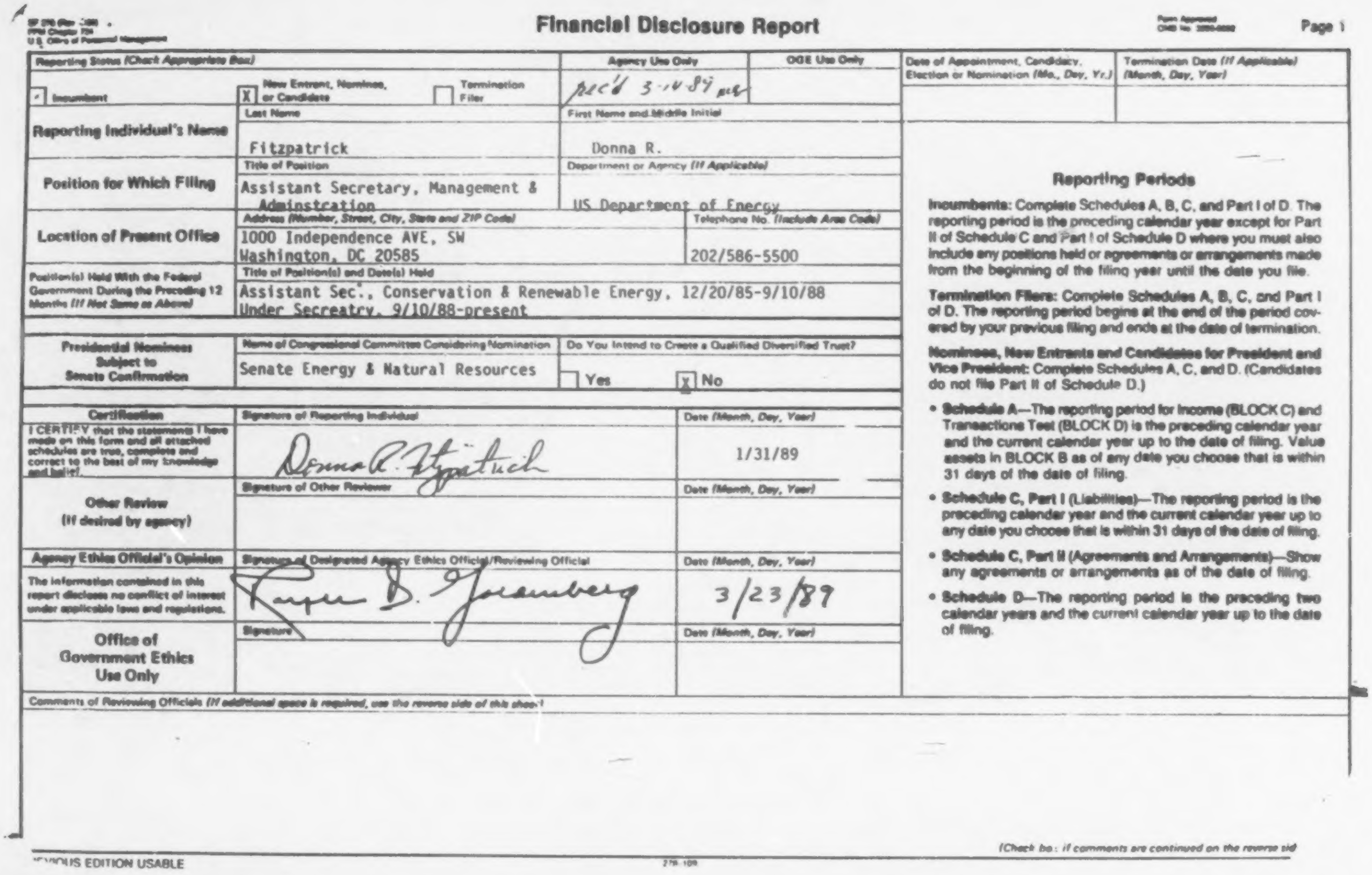
*/ Section 201(b) of the Ethics in Government Act (Pub. L. No. 95-521) requires the income and honoraria information on your form to be updated within five days before the date of the Committee hearing to consider your nomination.

Accordingly, you should avoid participation in any particular matter the outcome of which could have a direct and predictable effect on any such financial interests.

Please let me know if I can be of further assistance.

Ralph D. Goldenberg

Ralph D. Goldenberg
Assistant General Counsel
for General Law



SF 278 (Rev. [illegible])
FPM Chapter 734
U.S. Office of Personnel Management

Financial Disclosure Report

Form Approved
OMB No. [illegible]

Page 1

Reporting Status *(Check Appropriate Box)* ☐ Incumbent ☒ New Entrant, Nominee, or Candidate ☐ Termination Filer	Agency Use Only rec'd 3-14-89	OGE Use Only	
Date of Appointment, Candidacy, Election or Nomination *(Mo., Day, Yr.)*		Termination Date *(If Applicable)* *(Month, Day, Year)*	
Reporting Individual's Name	Last Name Fitzpatrick	First Name and Middle Initial Donna R.	
Position for Which Filing	Title of Position Assistant Secretary, Management & Adminstration	Department or Agency *(If Applicable)* US Department of Energy	
Location of Present Office	Address *(Number, Street, City, State and ZIP Code)* 1000 Independence AVE, SW Washington, DC 20585	Telephone No. *(Include Area Code)* 202/586-5500	
Position(s) Held With the Federal Government During the Preceding 12 Months *(If Not Same as Above)*	Title of Position(s) and Date(s) Held Assistant Sec., Conservation & Renewable Energy, 12/20/85-9/10/88 Under Secreatry, 9/10/88-present		
Presidential Nominees Subject to Senate Confirmation	Name of Congressional Committee Considering Nomination Senate Energy & Natural Resources	Do You Intend to Create a Qualified Diversified Trust? ☐ Yes ☒ No	
Certification I CERTIFY that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge and belief.	Signature of Reporting Individual Donna R. Fitzpatrick	Date *(Month, Day, Year)* 1/31/89	
Other Review (If desired by agency)	Signature of Other Reviewer	Date *(Month, Day, Year)*	
Agency Ethics Official's Opinion The information contained in this report discloses no conflict of interest under applicable laws and regulations.	Signature of Designated Agency Ethics Official/Reviewing Official Roger B. Greenberg	Date *(Month, Day, Year)* 3/23/89	
Office of Government Ethics Use Only	Signature	Date *(Month, Day, Year)*	

Comments of Reviewing Officials *(If additional space is required, use the reverse side of this sheet)*

Reporting Periods

Incumbents: Complete Schedules A, B, C, and Part I of D. The reporting period is the preceding calendar year except for Part II of Schedule C and Part I of Schedule D where you must also include any positions held or agreements or arrangements made from the beginning of the filing year until the date you file.

Termination Filers: Complete Schedules A, B, C, and Part I of D. The reporting period begins at the end of the period covered by your previous filing and ends at the date of termination.

Nominees, New Entrants and Candidates for President and Vice President: Complete Schedules A, C, and D. (Candidates do not file Part II of Schedule D.)

- **Schedule A**—The reporting period for Income (BLOCK C) and Transactions Test (BLOCK D) is the preceding calendar year and the current calendar year up to the date of filing. Value assets in BLOCK B as of any date you choose that is within 31 days of the date of filing.
- **Schedule C, Part I** (Liabilities)—The reporting period is the preceding calendar year and the current calendar year up to any date you choose that is within 31 days of the date of filing.
- **Schedule C, Part II** (Agreements and Arrangements)—Show any agreements or arrangements as of the date of filing.
- **Schedule D**—The reporting period is the preceding two calendar years and the current calendar year up to the date of filing.

(Check box if comments are continued on the reverse sid

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SF 278 [illegible]
FPM Chapter [illegible]
U.S. Office of Personnel Management

Form Approved
OMB No. [illegible]

Reporting Individual's Name	Assets and Income	Page Number	2	Schedule A
FITZPATRICK				

All Filers: In BLOCK A report (a) the identity of each asset held for the production of income at the close of the reporting period which had a fair market value exceeding $1000 and (b) any other asset or source of income which generated over $100 in income during the reporting period. This includes but is not limited to employers, stocks, bonds, tax shelters, bank accounts, real property, mutual funds, pensions, IRA assets, assets of certain trusts, commodities futures, personal businesses and partnership interests. Exclude your personal residence unless you rent it out. See instructions for rules on bank accounts and complex holdings.

All Filers: In BLOCK B report the value of each asset listed in BLOCK A which had a fair market value exceeding $1000 at the close of the reporting period.

All Filers: In BLOCK C report the type and amount of income exceeding $100 or more received from the assets and other sources of income listed in BLOCK A. You must report the actual amount of any income not of a type specifically noted below. You need not report the actual amount of your spouse's earned income, only the source in BLOCK A. You may not check "qualified trust" unless you have a blind trust which has been specifically approved by the Office of Government Ethics. If you, your spouse or dependent child are the beneficiary of a trust which no one of you created and has no knowledge of the assets, refer to the instructions to see if it qualifies as an "excepted trust." If "none" (or less than $101) is checked under Category of Amount of Income, no other entries need be made in BLOCK C for that item.

Incumbents and Termination Filers only: In BLOCK D, for any real property, stocks, bonds, commodities futures and other securities listed in BLOCK A, did you purchase, sell, or exchange the item during the reporting period for a value that exceeds $1000?

S or DC	BLOCK A Assets & Income Sources	BLOCK B Valuation of Assets — Category of Value (X)							BLOCK C Income — Type of Income (X)						Other (Specify Type)	Category of Amount of Income (X)								Actual Amount Only if "Other" Specified	Date (Mo., Day, Yr.) Only if Honoraria	BLOCK D Transactions Test — If yes, complete Schd. B Part I for these assets including those sold for a loss.	
	Identify each asset and income source of yours, your spouse(S) and your dependent child (DC). NONE ☐	None (or less than $1001)	$1,001-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	$100,001-$250,000	Over $250,000	Dividends	Rent	Interest	Capital Gains	Excepted Trust	Qualified Trust		None (or less than $101)	$101-$1,000	$1,001-$2,500	$2,501-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	Over $100,000			YES	NO
Example:	X Y Z Common				x				x									x								x	
	Doe Jones & Smith, Hometown, USA			x											ptnrshp income									$80,000			
1	Money MKT Acc't Citicorp Savings				X						X							X									
2	IRA (CD) [illegible] 3/23/79 National Bank of Washington			X							X						X										
3	IRA (Passbook) [illegible] 3/23/79 Citicorp Savings		X								X					X											
4	IRA (CD) [illegible] 3/23/79 Citicorp Savings			X							X							X									
5	IRA (CD) [illegible] 3/23/79 Citicorp Savings		X								X						X										
6	IRA Kemper US Gov't Securities		X						X			X					X										
7	Keogh Acc't (Passbook) Citicorp Savings [illegible]	X									X					X											
8																											
9																											
10																											

SF 278 ([illegible])
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U.S. Office of Personnel Management

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Reporting Individual's Name FITZPATRICK		Page Number	3	Schedule B

Part I
Transactions

Incumbents and Termination Filers only: Report any purchase, sale or exchange by you, your spouse or dependent child during the reporting period of any real property, stocks, bonds, commodities futures, and other securities when the amount of the transaction exceeded $1,000. Include transactions that resulted in a loss. Do not report a transaction involving property used solely as your personal residence, or a transaction between you, your spouse or your dependent child.

NONE ☒

		Identification of Assets	Type of Transaction (X)				Amount of Transaction (X)					
S or DC			Purchase	Sale	Exchange	Date (Mo., Day, Yr.)	$1,001-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	$100,001-$250,000	Over $250,000
	Example	X Y Z Common	X			2/1/83			X			
1												
2												
3												
4												
5												
6												

Part II
Gifts, Reimbursements and Travel Expenses

Incumbents and Termination Filers only: Report the source, a brief description and the value of: (1) in-kind gifts of transportation, lodging, food or entertainment received from one source totaling $250 or more unless received as personal hospitality at the donor's personal or family residence; (2) other gifts received from one source totaling $100 or more in value; and (3) cash reimbursements of $250 or more received from one source. Exclude gifts and reimbursements received by your spouse that were given totally independent of their relationship to you. Exclude transportation, lodging, food and reimbursements from the U.S. Government. For (1) and (2), exclude gifts from relatives and exclude gifts of $35 or less when aggregating them for the total from one source. See instructions for further exclusions.

NONE ☒

S		Source (Name and Address)	Brief Description	Value
	Example	Nat'l Assn. of Rock Collectors, NY, NY	Airline ticket, hotel room & meals incident to national conference 6/15/83	$500
	Example	Nat'l Assn. of Rock Collectors, NY, NY	Leather briefcase for retiring president	$125
1				
2				
3				
4				
5				
6				

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SF 278 (Rev. 1/85)
FPM Chapter 734
U.S. Office of Personnel Management

Form Approved
OMB No. 3209-0002

Reporting Individual's Name
FITZPATRICK

Page Number	4		Schedule C	

Part I
Liabilities

All Filers: Report liabilities over $10,000 owed to any one creditor at any time during the reporting period by you, your spouse or dependent child. Check the highest amount owed during the reporting period. Exclude a mortgage on your personal residence unless it is rented out, loans secured by automobiles, household furniture or appliances, and liabilities owed to relatives. See instructions for revolving charge accounts.

NONE ☒

		Creditor (Name and Address)	Type of Liability	Date Incurred	Interest Rate	Term if applicable	Category of Amount or Value (X)				
							$10,001 to $15,000	$15,001 to $50,000	$50,001 to $100,000	$100,001 to $250,000	Over $250,000
S or DC	Example	First District Bank, Washington, DC	Mortgage on rental property, Rehoboth Beach, Delaware	1981	13%	25 yrs.			X		
		John Jones, 123 J St., Washington, DC	Promissory note	1979	10%	on demand	X				
1											
2											
3											
4											
5											
6											

Part II
Agreements Or Arrangements

All Filers: Report your agreements or arrangements for future employment, leaves of absence, continuation of payment by a former employer (including severance payments), or continuing participation in an employee benefit plan. See instructions regarding the reporting of negotiations for any of these arrangements or benefits.

NONE ☒

	Status and Terms of any Agreement or Arrangement	Parties	Date (Mo., Yr.)
Example:	Pursuant to partnership agreement, will receive capital account & partnership share calculated on service performed through 11/83	Doe Jones & Smith, Hometown, USA	7/75 ptnership agmnt.

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U.S. Office of Personnel Management

Form Approved
OMB No. [illegible]

Reporting Individual's Name	FITZPATRICK
Page Number	5
Schedule	D

Part I
Positions Held Outside U.S. Government

All Filers: Report any positions held during the applicable reporting period. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. **Exclude** positions with religious, social, fraternal, or political entities or those solely of an honorary nature.

NONE ☐

	Organization (Name and Address)	Type of Organization	Position Held	From (Mo., Yr.)	To (Mo., Yr.)
Examples:	Nat'l Assn. of Rock Collectors, NY, NY	Non-profit education	President	6/82	6/83
	Doe Jones & Smith, Hometown, USA	Law firm	Partner	7/78	11/83
	Georgetown Visitation Prepatory School WASH, DC 3/23/89	Educational-Non Profit	Member Advisory Board	5/86	Present
	National Children's Choir WASH, DC 3/23/89	Educational-Non Profit	Member, Board of Directors	9/86	12/87

Part II
Compensation In Excess Of $5000 Paid by One Source

Nominees and New Entrants only: Report sources of such compensation received by you or your business affiliation for services directly provided by you during the reporting period. This includes the names of clients and customers of any corporation, firm, partnership or other business enterprise, or any nonprofit organization, when you directly provided the services generating a fee or payment of more than $5,000. You need not report the U.S. Government as a source.

NONE ☒ 3/23/89

	Source (Name and Address)	Brief Description of Duties
Examples:	Doe Jones & Smith, Hometown, USA	Legal services
	Metro University (client of Doe Jones & Smith) Hometown, USA	Legal services in connection with university construction

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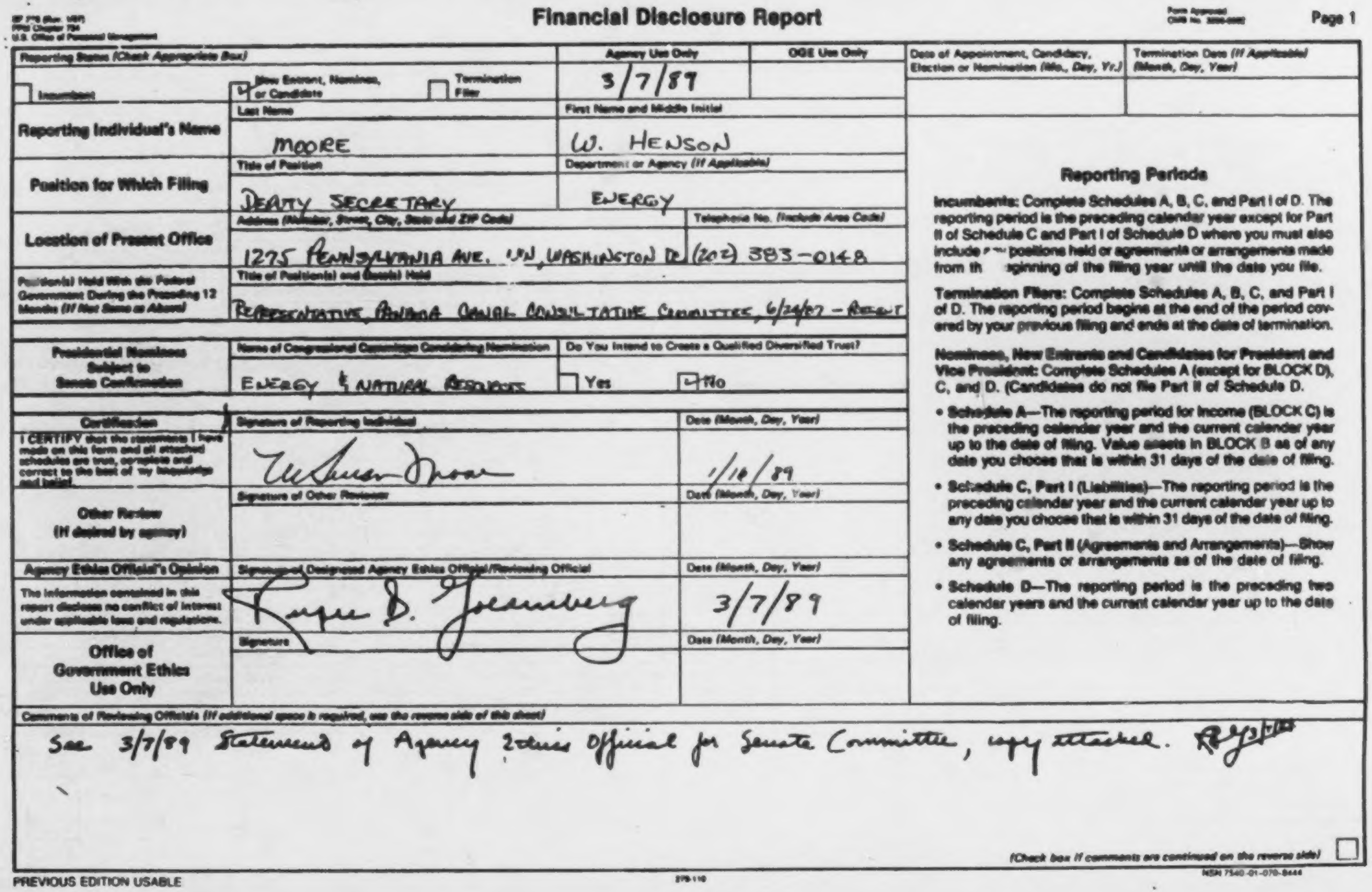

SF 278 (Rev. 1/87)
FPM Chapter 734
U.S. Office of Personnel Management

Financial Disclosure Report

Form Approved
OMB No. [illegible]

Page 1

Reporting Status (Check Appropriate Box) ☐ Incumbent	☑ New Entrant, Nominee, or Candidate	☐ Termination Filer	Agency Use Only 3/7/89	OGE Use Only
Reporting Individual's Name	Last Name MOORE		First Name and Middle Initial W. HENSON	
Position for Which Filing	Title of Position DEPUTY SECRETARY		Department or Agency (If Applicable) ENERGY	
Location of Present Office	Address (Number, Street, City, State and ZIP Code) 1275 PENNSYLVANIA AVE. NW, WASHINGTON DC		Telephone No. (Include Area Code) (202) 383-0148	
Position(s) Held With the Federal Government During the Preceding 12 Months (If Not Same as Above)	Title of Position(s) and Date(s) Held REPRESENTATIVE, PANAMA CANAL CONSULTATIVE COMMITTEE, 6/24/87 – PRESENT			
Presidential Nominees Subject to Senate Confirmation	Name of Congressional Committee Considering Nomination ENERGY & NATURAL RESOURCES		Do You Intend to Create a Qualified Diversified Trust? ☐ Yes ☑ No	
Certification I CERTIFY that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge and belief.	Signature of Reporting Individual W Henson Moore		Date (Month, Day, Year) 1/10/89	
Other Review (If desired by agency)	Signature of Other Reviewer		Date (Month, Day, Year)	
Agency Ethics Official's Opinion The information contained in this report discloses no conflict of interest under applicable laws and regulations.	Signature of Designated Agency Ethics Official/Reviewing Official Roger D. Greenberg		Date (Month, Day, Year) 3/7/89	
Office of Government Ethics Use Only	Signature		Date (Month, Day, Year)	

Date of Appointment, Candidacy, Election or Nomination (Mo., Day, Yr.)	Termination Date (If Applicable) (Month, Day, Year)

Reporting Periods

Incumbents: Complete Schedules A, B, C, and Part I of D. The reporting period is the preceding calendar year except for Part II of Schedule C and Part I of Schedule D where you must also include any positions held or agreements or arrangements made from the beginning of the filing year until the date you file.

Termination Filers: Complete Schedules A, B, C, and Part I of D. The reporting period begins at the end of the period covered by your previous filing and ends at the date of termination.

Nominees, New Entrants and Candidates for President and Vice President: Complete Schedules A (except for BLOCK D), C, and D. (Candidates do not file Part II of Schedule D.

- **Schedule A**—The reporting period for income (BLOCK C) is the preceding calendar year and the current calendar year up to the date of filing. Value assets in BLOCK B as of any date you choose that is within 31 days of the date of filing.
- **Schedule C, Part I** (Liabilities)—The reporting period is the preceding calendar year and the current calendar year up to any date you choose that is within 31 days of the date of filing.
- **Schedule C, Part II** (Agreements and Arrangements)—Show any agreements or arrangements as of the date of filing.
- **Schedule D**—The reporting period is the preceding two calendar years and the current calendar year up to the date of filing.

Comments of Reviewing Officials (If additional space is required, use the reverse side of this sheet)

See 3/7/89 Statement of Agency Ethics Official for Senate Committee, copy attached. RDG 3/7/89

(Check box if comments are continued on the reverse side) ☐

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NSN 7540-01-070-8444

SF 278 (Rev. 1/87)
FPM Chapter 734
U.S. Office of Personnel Management

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Reporting Individual's Name MOORE, W. HENSON	**Assets and Income**	Page Number	2	Schedule A

All Filers: In BLOCK A report (a) the identity of each asset held for the production of income at the close of the reporting period which had a fair market value exceeding $1000 and (b) any other asset or source of income which generated over $100 in income during the reporting period. This includes but is not limited to employers, stocks, bonds, tax shelters, bank accounts, real property, mutual funds, pensions, IRA assets, assets of certain trusts, commodities futures, personal businesses and partnership interests. Exclude your personal residence unless you rent it out. See instructions for rules on bank accounts and complex holdings.

All Filers: In BLOCK B report the value of each asset listed in BLOCK A which had a fair market value exceeding $1000 at the close of the reporting period.

All Filers: In BLOCK C report the type and amount of income exceeding $100 received from the assets and other sources of income listed in BLOCK A. You must report the actual amount of any income not of a type specifically noted below. You need not report the actual amount of your spouse's earned income, only the source in BLOCK A. You may not check "qualified trust" unless you have a blind trust which has been specifically approved by the Office of Government Ethics. If you, your spouse or dependent child are the beneficiary of a trust which no one of you created and has no knowledge of the assets, refer to the instructions to see if it qualifies as an "excepted trust." If "none" (or less than $101) is checked under Category of Amount of Income, no other entries need be made in BLOCK C for that item.

Incumbents and Termination Filers only: In BLOCK D, for any real property, stocks, bonds, commodities futures and other securities listed in BLOCK A, did you purchase, sell, or exchange the item during the reporting period for a value that exceeds $1000?

S or DC	BLOCK A Assets & Income Sources: Identify each asset and income source of yours, your spouse(S) and your dependent child (DC). NONE ☐	BLOCK B Valuation of Assets — Category of Value (X): None (or less than $1001)	$1,001-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	$100,001-$250,000	Over $250,000	BLOCK C Income — Type of Income (X): Dividends	Rent	Interest	Capital Gains	Excepted Trust	Qualified Trust	Other (Specify Type)	Category of Amount of Income (X): None (or less than $101)	$101-$1,000	$1,001-$2,500	$2,501-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	Over $100,000	Actual Amount Only if "Other" Specified	Date (Mo., Day, Yr.) Only if Honoraria	BLOCK D Transactions Test — If yes, complete Schd. B Part I for those assets including those sold for a loss. YES	NO
Example:	XYZ Common				X				X									X						—		X	
Example:	Doe Jones & Smith, Hometown, USA			X											Partnership Income									$80,000			
1	SUTHERLAND, ASBILL & BRENNAN LAW PARTNERSHIP				X*										PTNRSHP. INC.								X	275,000			
2	FIDELITY TAX EXEMPT MONEY MARKET MUTUAL FUND					X					X								X								
3	4 PLEX APARTMENT BLDG. BATON ROUGE, LA.					X				X										X							
4	OFFICE CONDOMINIUM BATON ROUGE, LA. [illegible]				X					X									X								
5	PREMIER BANCORP STOCK	X	[illegible]						X							X											
6	FIDELITY PURITAN FUND, MUTUAL FUND — IRA			X					X									X									
7	FIDELITY INTERMEDIATE BOND MUTUAL FUND — IRA		X								X						X										
8	CITY NATIONAL BANK C.D. — IRA		X								X						X										
9	REPRESENTATIVE, PANAMA CANAL CONSULTATIVE COM. [illegible]														PER DIEM									547.20	10/20/88	(PAID TO	LAW FIRM)
10	CATHOLIC HEALTH ASSOC.														HONORARIA									4,000.00	11/9, 11/10, 11/15, 11/[illegible] ($1,000 ea.)	(PAID TO	LAW FIRM)

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*[illegible]

Schedule A Continued:

	Asset	Valuation	Type Income	Income	Date
11.	Washington Campus ([illegible]) [illegible]		Honoraria	$3,000 ($500 ea.)	2/23/88; 6/7/88; (Paid to Law firm) 9/13/88; 10/24/88; 11/30/88; 12/15/88. All [illegible]
12.	Exxon Common Stock (S)	Over $250,000	Dividend	$5,000-$15,000	
13.	1/4 Int. 66 Ac. unimproved land, Liberty, TX (S) ([illegible])	$5,000-$15,000	Rent [illegible]	None	
14.	15 Ac. unimproved land, Liberty, TX (S) [illegible] ([illegible]) [illegible]	$5,000-$15,000	Rent [illegible]	None	
15.	Fidelity Puritan Mutual Fund, IRA (S)	$5,000-$15,000	Dividend	$1,000-$2,500	
16.	Fidelity Intermediate Bond Fund, IRA (S)	$1,000-$5,000	Interest	$101-$1,000	
17.	Exxon Common Stock (DC)	$15,000-$50,000	Dividends	$1,0[illegible] -$2,500	
18.	Exxon Common Stock (DC)	$15,000-$50,000	Dividends	$1,001-$2,500	

SF 278 (Rev. [illegible])
FPM Chapter 735
U.S. Office of Personnel Management

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OMB No. [illegible]

Reporting Individual's Name

MOORE, W. HENSON

Page Number	3	Schedule B

Part I
Transactions

Incumbents and Termination Filers only: Report any purchase, sale or exchange by you, your spouse or dependent child during the reporting period of any real property, stocks, bonds, commodities futures, and other securities when the amount of the transaction exceeded $1,000. Include transactions that resulted in a loss. Do not report a transaction involving property used solely as your personal residence, or a transaction between you, your spouse or your dependent child.

NONE ☐

S or DC		Identification of Assets	Purchase	Sale	Exchange	Date (Mo., Day, Yr.)	$1,001-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	$100,001-$250,000	Over $250,000
			Type of Transaction (X)				Amount of Transaction (X)					
	Example	XYZ Common	X			2/1/83			X			
1		not applicable [illegible] 3-7-89										
2												
3												
4												
5												
6												

Part II
Gifts, Reimbursements and Travel Expenses

Incumbents and Termination Filers only:
Report the source, a brief description and the value of: (1) in-kind gifts of transportation, lodging, food or entertainment received from one source totaling $250 or more unless received as personal hospitality at the donor's personal or family residence; (2) other gifts received from one source totaling $100 or more in value; and (3) cash reimbursements of $250 or more received from one source. Exclude gifts and reimbursements received by your spouse that were given totally independent of their relationship to you. Exclude transportation, lodging, food and reimbursements from the U.S. Government. For (1) and (2), exclude gifts from relatives and exclude gifts of $35 or less when aggregating them for the total from one source. S instructions for further exclusions.

NONE ☐

S		Source (Name and Address)	Brief Description	Value
	Example	Nat'l Assn. of Rock Collectors, NY, NY	Airline ticket, hotel room & meals incident to national conference 6/15/83	$500
		Nat'l Assn. of Rock Collectors, NY, NY	Leather briefcase for retiring president	$125
1		not applicable [illegible] 3-7-89		
2				
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SF 278 (Rev. [illegible])
5 CFR Chapter [illegible]
U.S. Office of Personnel Management

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OMB No. [illegible]

Reporting Individual's Name MOORE, W. HENSON	Page Number	4	Schedule C

Part I
Liabilities

All Filers: Report liabilities over $10,000 owed to any one creditor at any time during the reporting period by you, your spouse or dependent child. Check the highest amount owed during the reporting period. Exclude a mortgage on your personal residence unless it is rented out, loans secured by automobiles, household furniture or appliances, and liabilities owed to relatives. See instructions for revolving charge accounts.

NONE ☐

	Creditor (Name and Address)	Type of Liability	Date Incurred	Interest Rate	Term if applicable	Category of Amount or Value (X) $10,001 to $15,000	$15,001 to $50,000	$50,001 to $100,000	$100,001 to $250,000	Over $250,000
S or DC — Example:	First District Bank, Washington, DC	Mortgage on rental property, Rehoboth Beach, Delaware	1981	13%	25 yrs.			X		
	John Jones, 123 J St., Washington, DC	Promissory note	1979	10%	on demand	X				
1	CITY NATIONAL BANK OF BATON ROUGE, LA.	PROMISSORY NOTE	1988	11.5	90 DAYS				X	
2	PELICAN HOMESTEAD, METAIRIE, LA.	MORTGAGE ON 4 PLEX APT. BLDG.	1986	9	30 YRS.				X	
3	PELICAN HOMESTEAD, METAIRIE, LA.	MORTGAGE ON OFFICE CONDO	1986	9	30 yrs.			X		
4										
5										
6										

Part II
Agreements Or Arrangements

All Filers: Report your agreements or arrangements for future employment, leaves of absence, continuation of payment by a former employer (including severance payments), or continuing participation in an employee benefit plan. See instructions regarding the reporting of negotiations for any of these arrangements or benefits.

NONE ☐

Status and Terms of any Agreement or Arrangement	Parties	Date (Mo., Yr.)
Example: Pursuant to partnership agreement, will receive capital account & partnership share calculated on service performed through 11/83	Doe Jones & Smith, Hometown, USA	7/75 partnership agmt.
PURSUANT TO PARTNERSHIP AGMT., WILL RECEIVE CAPITAL ACCOUNT [illegible]	SUTHERLAND, ASBILL & BRENNAN, WASH. DC.	4/81 PTNERSHIP AGMT.

PREVIOUS EDITION USABLE

278-100

SF 278 (Rev. 1/87)
FPM Chapter 734
U.S. Office of Personnel Management

Form Approved
OMB No. [illegible]

Reporting Individual's Name	MOORE, W. HENSON

Page Number	5	Schedule D

Part I
Positions Held Outside U.S. Government

All Filers: Report any positions held during the applicable reporting period. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. Exclude positions with religious, social, fraternal, or political entities or those solely of an honorary nature.

NONE ☐

	Organization (Name and Address)	Type of Organization	Position Held	From (Mo., Yr.)	To (Mo., Yr.)
Examples:	Nat'l Assn. of Rock Collectors, NY, NY	Non-profit education	President	6/82	6/83
	Doe Jones & Smith, Hometown, USA	Law firm	Partner	7/78	11/83
	SUTHERLAND, ASBILL & BRENNAN	LAW FIRM	PARTNER	1/3/87	PRESENT
	JEFFERSON ENERGY FOUNDATION	NON PROFIT EDUCATION	DIRECTOR	4/88	PRESENT
	INSTITUTE FOR RESEARCH ECONOMICS OF TAXATION	NON PROFIT EDUCATION	DIRECTOR	9/88	PRESENT
	AMERICAN COUNCIL FOR CAPITAL FORMATION	NON PROFIT EDUCATION	DIRECTOR	3/87	PRESENT
	COMMITTEE FOR A RESPONSIBLE FEDERAL BUDGET	NON PROFIT EDUCATION	DIRECTOR	3/87	PRESENT

Part II
Compensation In Excess Of $5000
Paid by One Source

Nominees and New Entrants only: Report sources of such compensation received by you or your business affiliation for services directly provided by you during the reporting period. This includes the names of clients and customers of any corporation, firm, partnership or other business enterprise, or any nonprofit organization, when you directly provided the services generating a fee or payment of more than $5,000. You need not report the U.S. Government as a source.

NONE ☐

	Source (Name and Address)	Brief Description of Duties
Examples:	Doe Jones & Smith, Hometown, USA	Legal services
	Metro University (client of Doe Jones & Smith) Hometown, USA	Legal services in connection with university construction
	SUTHERLAND, ASBILL & BRENNAN, WASHINGTON, D.C.	LEGAL SERVICES
	CITY OF BATON ROUGE, LA.	LEGAL SERVICES AS WASHINGTON COUNSEL ON FEDERAL MATTERS
	MUTUAL OF OMAHA, OMAHA, NEB.	LEGAL SERVICES AS TAX POLICY COUNSEL ON 1988 TAX BILL IN CONGRESS
	NEW JERSEY INSURANCE GUARANTY ASSOC., Chatham, N.J.	LEGAL SERVICES AS TAX POLICY COUNSEL ON 1988 TAX BILL IN CONGRESS
	PHILIP MORRIS CO., INC., N.Y., N.Y.	LEGAL SERVICES AS TAX POLICY COUNSEL ON EXCISE TAXES
	DATA PRODUCTS CORP., Woodland Hills, CA.	LEGAL SERVICES ON TOSHIBA SANCTION IN TRADE BILL IN CONGRESS

Schedule D, Part II Continued

Source	Duties
Bayou Des Familles, New Orleans, LA (land holding co.)	Legal services negotiating land sale with Department of Interior
R. R. Cassidy, Inc., Prairieville, LA	Legal services negotiating import penalty
City of New Orleans, LA	Legal services as tax policy counsel on tax bill
Forethought Life Insurance Company, Batesville, IN	Legal services as tax policy counsel on tax bill
ITT Financial Corp., St. Louis, MO	Legal services as tax policy counsel on tax bill
Jacobs Engineering, Houston, TX	Legal services advising client on federal relations with Congress and DOE
North American Company for Life, Chicago, IL	Legal services as tax policy counsel on tax bill
Minnesota Mutual Life Ins. Co., Minneapolis, MN	Legal services as tax policy counsel on tax bill
Protestant Publishers Association, Nashville, TN	Legal services as tax policy counsel on tax bill
Council of Industrial Boiler Owners, Burke, VA	Legal services on petition for reconsideration of regulation at EPA

5B

FINANCIAL DISCLOSURE STATEMENT - ADDENDUM (to SF-278 signed 1/16/89)

MOORE, W. HENSON

Schedule D, Part II

Source	Duties
American Insurance Association	Legal services on High Risk Notification legislation
Atec, Incorporated	Legal services on debarrment proceedings at Dept. of Labor
Swaggart Ministries	Legal services for Subcommittee hearing preparation
American Bar Endowment	Legal services as tax counsel on possible tax legislation
P.R.I.C.E. (People Restoring an Internationally Competitive Economy)	Legal services for creation of new trade association
Equifax, Inc.	Legal counsel on possible government relations program
Federal Intermediate Credit Banks	Legal service as tax policy counsel on tax bill

Signature: W. Henson Moore

Date 2/2/89

Executive Level Position Statement

Position Title: Deputy Secretary

Grade: EL-II Presidential Appointee - (PAS)

The Deputy Secretary shall act for and exercise the functions of the Secretary during the absence or disability of the Secretary or in the event the office of Secretary becomes vacant. He serves as an alter ego for the Secretary and assists the Secretary in speaking for the Department and decides administrative matters of the Department-wide scope. He represents the Department with the White House, the Congress, interest groups, business and industry, the academic community, and the general public.

The Deputy Secretary is appointed by the President but reports to the Secretary, who provides him very broad policy guidance.

APPENDIX II

Responses to Additional Questions From the Nominees

POST-HEARING QUESTIONS AND ANSWERS
RELATING TO THE APRIL 5, 1989, HEARING

BEFORE THE

COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

W. HENSON MOORE

NOMINEE FOR THE POSITION OF
DEPUTY SECRETARY OF ENERGY

QUESTIONS FROM SENATOR JOHNSTON

Question 1: Have you ever been investigated, arrested, charged or held by any Federal, State or other law enforcement authority for violation of any Federal, State, county or municipal law, regulation, or ordinance, other than a minor traffic offense? If so, please explain.

Answer: No.

QUESTIONS FROM SENATOR JOHNSTON

Question 2:	Have you ever been convicted (including a plea of guilty or nolo contendere) of any criminal violation other than a minor traffic offense?
Answer:	No.

QUESTIONS FROM SENATOR JOHNSTON

Question 3: Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

Answer: No.

QUESTIONS FROM SENATOR JOHNSTON

Question 4: Have you or your spouse ever represented in any capacity (e.g., employee, attorney, business, or political adviser or consultant), with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

Answer: As a partner in the law firm of Sutherland, Asbill & Brennan, I performed legal work on behalf of the Government of Bermuda. During 1988, I spent approximately 20 hours assisting a senior partner in the firm to determine the status of the "triple tax problem" and its potential impact on the tax treaty with Bermuda.

QUESTIONS FROM SENATOR JOHNSTON

Question 5: If you or your spouse has ever been formally associated with a law, accounting, public relations firm or other service organization, have any of your or your spouse's associates represented, in any capacity, with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

Answer: The law firm of Sutherland, Asbill & Brennan currently represents the Governments of Bermuda and Canada. The firm, prior to my association with it also represented the Government of Japan.

QUESTIONS FROM SENATOR JOHNSTON

Question 6: During the past ten years have you or your spouse received any compensation from, or been involved in any financial or business transactions with, a foreign government or an entity controlled by a foreign government? If so, please furnish details.

Answer: The work I did for the firm of Sutherland, Asbill & Brennan on behalf of the Government of Bermuda (described in the answer to question 4 above) was my only financial or business transaction with a foreign government.

QUESTIONS FROM SENATOR JOHNSTON

Question 7: Have you or your spouse ever registered under the Foreign Agents Registration Act? If so, please furnish details.

Answer: On June 21, 1988, I registered with the Department of Justice, as a part of Sutherland, Asbill & Brennan's registration, as an agent for the Government of Bermuda. I terminated that registration on March 7, 1989.

QUESTIONS FROM SENATOR JOHNSTON

Question 8: Were all your taxes (Federal, State, and local) current (filed and paid) as of the date of your nomination hearing? If not, please explain.

Answer: Yes.

QUESTIONS FROM SENATOR JOHNSTON

Question 9:	Have all your Federal, State, and local taxes always been paid on time? If not, please explain.
Answer:	Yes.

QUESTIONS FROM SENATOR JOHNSTON

Question 10: If confirmed, are there any known limitations on your willingness or ability to serve for your full term or until the next Presidential election, whichever is applicable?

Answer: No.

QUESTIONS FROM SENATOR JOHNSTON

Question 11: Please advise the Committee of any additional information, favorable or unfavorable, which you think the Committee would want to be aware of in considering your nomination.

Answer: None.

QUESTIONS FROM SENATOR JOHNSTON

Question 12:	Will you be available to appear before this Committee and other Congressional Committees to represent Departmental positions and respond to issues of concern to the Congress?
Answer:	Yes.

QUESTIONS FROM SENATOR JOHNSTON

Nuclear Power

Question 13(a): Nuclear energy is a clean, plentiful, domestic energy resource, but one that is fraught with controversy. We haven't initiated a new nuclear plant since the early 1970's. Yet almost everyone agrees that electricity shortages are very likely for the 1990's. What do you think is the role of the Federal Government in seeking a revival of the nuclear option?

Answer: To ensure the availability of new nuclear generating capacity for the 1990's requires coordinated efforts with industry in a number of areas; the degree of Federal versus private sector leadership varies among these areas. For example, the private sector has the primary responsibility to continue to demonstrate an excellent operating record in order to earn continued public confidence. The Federal Government, on the other hand, has the leadership role to eliminate unnecessary institutional impediments to the future use of nuclear power, to cooperate in the development of the advanced technology for the next generation of nuclear plants, and to establish a geologic repository for the disposal of high-level radioactive waste.

QUESTIONS FROM SENATOR JOHNSTON

Nuclear Power

Question 13(b): Some of the problems of nuclear power are the fault of the utilities themselves. Some are the fault of the anti-nuclear movement. Some are the fault of regulation. Some are a result of distrust of the technology. How do you assess the relative importance of these factors in any program to revive the nuclear option?

Answer: All of these factors have hindered the growth of nuclear energy.

To enable nuclear power to make its essential contribution to our future energy needs requires improving the efficiency of the regulatory and licensing process. In addition, our Nation's utilities must continue to earn public confidence by operating nuclear powerplants safely and reliably.

The development of a new generation of reactors which incorporate the best technology available worldwide, including passive safety features, should demonstrate further to the public that nuclear power continues to be a safe and reliable means of electricity generation.

QUESTIONS FROM SENATOR JOHNSTON

Science Facilities

Question 14: The Department of Energy builds and operates the largest facilities for fundamental science in the United States. The proposed Superconducting Super Collider is the most recent in a long line of facilities for basic science that have been funded by DOE and its predecessors out of tax revenues.

We are now in a time of budget austerity. Commitments to new scientific facilities, especially including the SSC, are difficult to reconcile with budgetary realities.

Should we be looking for new ways to fund these facilities? Do you have any ideas in this regard?

Answer: There is no single solution to this problem. Rather, financing arrangements for each facility must be pursued on an individual basis. Due to the very nature of basic research, payoffs are long range and difficult to identify in advance. Thus, direct investments by the private sector may not be likely. Basic research, however, is essential to our Nation's ability to remain internationally competitive in the future and innovative funding techniques should be explored.

In the case of the Superconducting Super Collider (SSC), we have been fortunate to receive a commitment of $1 billion from the State of Texas. In keeping with the long tradition of effective international cooperation in high energy physics, we are seeking international cost sharing in the SSC. Such sharing in the cost of detectors is normal in high energy physics and will occur for the SSC. In addition, we are confident of breaking new ground by

Answer 14 continued: receiving substantial international contributions to the construction of the SSC itself, but a direct U.S. commitment to construction is a prerequisite for such developments.

QUESTIONS FROM SENATOR JOHNSTON

Uranium Enrichment

Question 15: Have you been briefed on the situation facing your uranium enrichment enterprise?

If not, I urge you to have such a briefing as soon as possible. This is a multi-billion dollar business operated by the Department of Energy. It faces some serious problems. If these problems are not addressed, there will be tremendous financial exposure for the Federal Government.

We are trying to address these problems with some legislation that has been referred to this Committee (S. 83 and Amendment No. 6). I also understand that the Administration may be submitting legislation similar to ours.

Please give us a report on your views about this problem and on the legislative approaches.

Answer: I have been briefed on the uranium enrichment enterprise and share your concerns. Like you, I believe that restructuring DOE's uranium enrichment enterprise by establishing a wholly-owned Government corporation is highly desirable. A carefully constituted corporation will have the ability to attract top people, the mandate to adopt a businesslike approach, and the flexibility to act decisively. The Administration is working out the final details of a proposal to establish a Government corporation. In overall approach it is quite similar to S. 83. Secretary Watkins has made this one of his top priorities, and we will submit it shortly.

QUESTIONS FROM SENATOR JOHNSTON

Natural Gas

Question 16(a): Natural gas is an abundant domestic fuel that has tremendous environmental benefits. What should the Federal Government be doing to encourage the use of natural gas to improve air quality and reduce CO_2 emissions?

Answer: Natural gas will be an increasingly important fuel in our energy future because it is clean-burning, efficient, abundant, and secure within our borders. Gas can help reduce our dependence on foreign oil and meet our environmental goals. By completing the wellhead price decontrol process, the Federal Government would encourage the development of a more competitive natural gas industry and a larger gas market. The Administration will be working with Congress to achieve this result. In addition, the Federal Government plays an important role in collecting, analyzing, and disseminating supply and technology information.

The Department of Energy sponsored a study last year that discussed the abundant U.S. supplies of natural gas. During the past 2 years, the National Petroleum Council has been preparing a report which discusses the deliverability of natural gas. It should be available within 2-3 weeks. Additionally, the Energy Information Administration recently completed a study showing that by the year 2000, the U.S. may be using about twice as much gas to generate electricity as it does now. These are very appropriate Federal Government studies to characterize and assess the resource base, its

Answer 16(a) continued:

deliverability, and its potential contribution to ameliorating environmental problems.

The Department is now working with the gas industry to ascertain the costs associated with co-firing gas with coal at the top 100 SO_2 emitting power plants. Whatever level of co-firing is chosen, CO_2 emissions will decrease because natural gas combustion results in 50% less CO_2 emissions than coal-fired combustion. In addition to the three gas-reburning demonstration sites in the Clean Coal Technology program, the Fossil Energy research and development programs will begin a characterization and testing program for gas and coal co-firing to create a data base so that electric utilities can best take advantage of this technology. When the supply and technologies become available, then marketplace considerations will determine particular applications.

QUESTIONS FROM SENATOR JOHNSTON

Natural Gas

Question 16(b): What is the potential for moving natural gas into New England, where oil imports are high and energy shortages are predicted?

Answer: Historically, New England has been at a geographical disadvantage compared to other regions of the country because it is at the end of the interstate gas transmission system. Three major construction proposals for natural gas pipelines designed to serve the Northeast, however, are currently before the Federal Energy Regulatory Commission (FERC) for regulatory approval. The projects, designed to transport both domestic and Canadian natural gas, would increase pipeline capacity and natural gas deliverability to the region. Although the FERC expects to make a final decision on these applications by late 1990, the in-service date of these projects is uncertain because environmental opposition, eminent domain proceedings, construction difficulties, and State and local permitting proceedings can cause extensive delays.

QUESTIONS FROM SENATOR JOHNSTON

Question 16(c): What is the potential for geopressured methane from deep wells to add to our gas supply?

Answer: Recent estimates indicate that there are from 1,000 to 3,000 trillion cubic feet (tcf) of dissolved gas in place in geopressured-geothermal reservoirs in the onshore and offshore U.S. Gulf Coast, and about 3,000 tcf offshore in the Gulf of Mexico. The amount of technically recoverable gas in onshore areas has been estimated to be from about 100 to 1600 tcf. I have been advised that the amount of geopressured gas that is economically recoverable at current gas prices, however, is negligible. Higher prices and improved extraction technology are required before this resource can make a significant contribution to the domestic gas supply.

QUESTIONS FROM SENATOR JOHNSTON

Technology Transfer

Question 17: DOE manages the national laboratories, and, thereby, becomes the employer of the largest force of scientists and engineers in the United States. Yet the record of these laboratories in producing inventions of commercial value is quite poor in comparison to privately managed laboratories and even universities. And we are way behind the Japanese in converting scientific and engineering resources into useful products.

Last year we had a bill in this Committee to improve technology transfer from the DOE laboratories. It passed the Senate twice with the Administration's support.

Senator Domenici and Senator Bingaman have reintroduced the bill in this Congress.

Could you please review and provide your views on this bill, S. 550, which facilitates technology transfer from DOE weapons laboratories?

Answer: We have substantially fewer concerns over the limitations that the current bill could place on the Secretary's management authority in this area, but some concerns still remain.

DOE has been making good progress in facilitating access to its laboratories, including the areas of intellectual property, collaborations, and communication initiatives, and will continue to move in the direction of making private sector-laboratory interactions as easy as possible. For example, three laboratories designated as High Temperature Superconductivity Pilot Centers are participating in a two-year pilot technology

Answer 17 continued: transfer project to streamline industry-laboratory collaborations. Following evaluation of the pilot project, the Department will implement broad application of simplified processes and consider broadening the center concept to other laboratories. Two laboratories also have been designated as Human Genome Centers to develop new technology and to coordinate efforts to transfer to the private sector results developed at all DOE national laboratories. In addition, the Department has initiated a major effort to transfer unclassified, defense-related technology developed by several national laboratories to the oil and gas industry. Similar efforts are being examined with respect to technology that could be utilized by the coal industry.

In 1988, DOE laboratories received 34 of the 100 R&D 100 Awards for inventions of greatest benefit to U.S. industry. Royalties for patents licensed to industry by the laboratories nearly doubled over 1987, totaling $584,000. The laboratories have retained title to 340 inventions in the last two years, at an annual rate five times that of any previous period. As an example of our continuation of this progress, in December DOE held a policy forum on technology transfer with 70 high-level industry representatives to promote easier industry-laboratory collaboration and communication. As a result, additional

Answer 17 continued: initiatives on technology transfer are under consideration and review. A forum for State economic development offices, Tech-Link 89, will be held in June. These examples illustrate that DOE is taking positive steps without additional legislation and can make significant progress to increase technology transfer from its laboratories.

QUESTIONS FROM SENATOR HEFLIN

Power Marketing Administrations

Question 18: Electric consumers in Alabama receive low-cost hydropower generated by federal multi-purpose projects and marketed by the power marketing administrations of the Department of Energy. I wish to pose several questions with respect to the Administration's proposed policies regarding the federal power program.

Management of the federal power marketing administrations is an important part of the Department of Energy's responsibilities. Electric consumers in many states, including Alabama, depend on this source of low-cost power to maintain service at reasonable rates.

In view of the importance of this program, I would like to know:

How will responsibility for management of the power marketing administrations be allocated within the DOE under the new Administration with respect to present rate structures?

Answer: For each power marketing administration, except for the Bonneville Power Administration (BPA), establishing rates is governed by a Departmental delegation order. Under the current delegation, rates are proposed by the Administrator of the relevant power administration, reviewed and approved on an interim basis by the Deputy Secretary, and then approved on a final basis by the Federal Energy Regulatory Commission (FERC). The Deputy Secretary's authority for interim review will be reexamined in view of the fact that, by its terms, this delegation expires on October 27, 1989.

Rates established by BPA are governed by the Northwest Power Act. Section 7(i)(6) of that statute provides that Bonneville's

Answer 18 continued:

rates shall become effective, either on an interim or final basis, upon confirmation and approval by the FERC. The Commission, rather than the Secretary, has original authority to review Bonneville's rates.

QUESTIONS FROM SENATOR HEFLIN

The Sale of SEPA

Question 19: The Bush Administration, in its FY 1990 Budget, proposes to sell certain assets of the Southeastern Power Administration (SEPA). Protection of present customers is included as a condition of the sale. In light of the past and present role of the power marketing administrations in providing low-cost power to customers, this proposal raises serious public policy concerns.

Customer-owned power systems in the Southeast, like their counterparts in other regions, have the first right, under the "preference" clause, to purchase power marketed by SEPA which is generated at a number of multi-purpose Federal dams, operated by the U.S. Army Corps of Engineers. These dams were authorized for flood control, navigation, hydropower generation and, in a few cases, recreation and water supply. In light of these facts, I wish to pose the following inquiry:

When the Administration speaks of selling certain SEPA assets while protecting the rights of existing customers, what "assets" does the Administration propose to sell, in light of the multiple purposes for which these projects were built, and how are the rights of existing customers to be adequately protected?

Answer: The FY 1990 budget assumes the sale in 1991 of SEPA's Georgia-Alabama and Jim Woodruff power systems. The "assets" referred to are the powerhouses and switchyards, along with all power generated at these projects.

The rights of existing customers would be protected by providing them with the first-right-of-refusal for the sale and by structuring the sale in a manner which would avoid significant rate increases.

QUESTIONS FROM SENATOR HEFLIN

The Sale of SEPA

Question 20(a): Which of SEPA's assets are proposed for sale? What will happen to the remaining assets? How was the decision made as to which assets are to be sold?

Answer: The FY 1990 budget assumes the sale of the Georgia-Alabama and Jim Woodruff power systems. The assets proposed to be sold are the powerhouses and switchyards, along with all power generated at these projects. Assets in the Cumberland and Kerr-Philpott systems would remain as Federal assets until divested.

In April 1987 the Municipal Electric Authority of Georgia and the South Carolina Public Service Authority, in a letter to President Reagan, expressed their interest in purchasing the assets of SEPA. Based upon this expression of interest, the Administration projected the potential sale for 1991.

QUESTIONS FROM SENATOR HEFLIN

The Sale of SEPA

Question 20(b): What is proposed for sale -- the right to market the power or the facilities themselves?

Answer: In addition to the right to market all power generated at these projects, the powerhouses and switchyards are proposed for sale.

QUESTIONS FROM SENATOR HEFLIN

The Sale of SEPA

Question 20(c): Will buyers have the right to control water releases from the projects?

Answer: The control of water releases would be similar to the controls for non-Federal projects controlled by the Corps of Engineers. The Corps still would own and operate the dams and continue to be responsible for other project purposes, such as water quality, flood control, navigation, fish and wildlife, and recreation.

QUESTIONS FROM SENATOR HEFLIN

The Sale of SEPA

Question 20(d):	Will prospective buyers purchase a right to a minimum amount of power?
Answer:	No. The prospective buyers would have the right to all power generated at the projects, but not a specific minimum amount of power.

QUESTIONS FROM SENATOR HEFLIN

The Sale of SEPA

Question 20(e):	At what price will the transfer occur?
Answer:	The price will be negotiated based on the offers proposed and will be structured to cover the taxpayers' investment.

QUESTIONS FROM SENATOR HEFLIN

The Sale of SEPA

Question 20(f): How will present customers be protected?

Answer: Present customers would be protected by offering them the first-right-of-refusal for the sale, and by structuring the sale in a manner which would avoid a significant rate increase. Based on the experience with the Administration's proposal to sell the Alaska Power Administration, customer support will be a necessary ingredient for a successful sale.

QUESTIONS FROM SENATOR HEFLIN

The Sale of SEPA

Question 20(g): How will the taxpayers' interest in the projects be protected?

Answer: Taxpayers' interests will be protected through the recovery of the outstanding Federal debt, or taxpayers' investment, and by the continued Corps of Engineers' responsibility for other project purposes.

QUESTIONS FROM SENATOR HEFLIN

The Sale of SEPA

Question 21(a): In SEPA's budget request, SEPA states that it intends to pursue enactment of legislation to authorize the study of the sale of SEPA.

Does Section 208 of the Urgent Supplemental Appropriations Act of 1986 prohibit the Administration from expending any resources to study the sale of any power marketing agency except Alaska?

Answer: I am informed that the Department and the Office of Management and Budget have treated section 208 of the Urgent Supplemental Appropriations Act, 1986, as permanent law and have framed the Administration's budget request accordingly.

QUESTIONS FROM SENATOR HEFLIN

The Sale of SEPA

Question 21(b): In light of this prohibition, please describe the activities in which SEPA expects to engage in pursuit of the sale of SEPA.

Answer: I understand that SEPA's divestiture activities are limited to responding to inquiries from interested parties.

QUESTIONS FROM SENATOR McCLURE

Bonneville Power Administration

Question 22(a):	As you are aware, within the Department of Energy are the Federal power marketing administrations, such as the Bonneville Power Administration. These administrations are of particular interest to this Senator, as well as many other members of this Committee. Management responsibility for these administrations within the Department has historically resided with the Under Secretary. If you are confirmed, would you expect this organizational relationship would be changed in any regard?
Answer:	At this point, no determination has been made with respect to the organizational relationship of the power marketing administrations. Secretary Watkins has stated his intention to continue to evaluate the Department and to make organizational changes necessary to enhance the Department's efficiency and effectiveness, while preserving the best and most effective aspects of its structure and programs. I will be actively involved in this ongoing review.

QUESTIONS FROM SENATOR McCLURE

Bonneville Power Administration

Question 22(b): Would you agree to consult with this Committee regarding any proposed change in this relationship, before such a change is implemented?

Answer: While we must preserve our ability to make organizational changes which will enhance the efficiency and effectiveness of the Department, we appreciate your alerting us of your interest so that we can consult with you if we contemplate changing this reporting relationship.

QUESTIONS FROM SENATOR McCLURE

DOE'S Role in Setting Energy Policy vis-a-vis FERC

Question 23: Energy policy is commonly thought about in terms of "big-ticket" legislative proposals. For example, oil import fees, production incentives, and uranium enrichment. More typically, however, energy policy changes are reflected as lower-profile regulatory changes that have really significant consequences for our energy situation. This is because, unlike the "big-ticket" initiatives, they often get implemented.

Although the Federal Energy Regulatory Commission is an independent regulatory agency, Sections 403 and 405 of the Department of Energy Organization Act specifically provide a role for DOE at FERC. Section 403 authorizes the Secretary of Energy to "propose rules, regulations, and statements of policy of general applicability within the jurisdiction of the Commission"; and Section 405 gives the Secretary "as a matter of right" the ability to intervene or otherwise participate in any proceeding before the Commission.

Until relatively recently, there has been infrequent need for the Department to exercise this authority because the matters pending before the Commission, while important to the participants, were not significant to our overall national energy strategy. Recently, however, the Commission has proposed a number of policy initiatives which would have significant impact on this Nation's energy situation, particularly regarding electric power generation and transmission. Some of these changes have been in the form of "notices of proposed rulemaking," but others have been in the form of individual case decisions which set major precedent.

One prime example of this has been the Commission's issuance of several notices of proposed rulemaking relating to electricity--the consequences of which, if implemented as proposed, would be to fundamentally restructure the electric utility industry. The Commission is also considering implementing "gas inventory charges" which, depending on how they are formulated, could either benefit or significantly adversely impact domestic gas producers and long-term U.S. natural gas production. Another example of policy-making through individual case law is the Commission's proposal to establish transmission access policy as part of their order on the UPL-PPL merger.

Question 23 continued: If you are confirmed as Deputy Secretary, would you assure the Committee that, where appropriate, the Department will use its authority under the Department of Energy Organization Act to ensure that any FERC energy policy initiatives are consistent with agreed upon national energy strategies and in the Nation's energy interests? Conversely, if any FERC energy policy initiatives are not in the the Nation's energy interest, would you assure the Committee that the Department will take appropriate action and keep the Congress fully informed?

Answer: The Department will follow closely the evolution of matters before the Commission which are of importance to national energy policy. I can assure you that the Department intends to participate actively in the Commission's proceedings on these issues and submit proposals and guidance to the Commission when appropriate.

The Department has exercised its authority under the DOE Organization Act in the past, commenting and providing guidance to the Commission on matters of national energy policy. In the future, I intend to give such matters my personal attention in order to make sure that the Department does not hesitate to exercise that option, should it become appropriate.

We will, of course, keep the Congress fully informed of our actions and views on these matters.

QUESTIONS FROM SENATOR McCLURE

Oil Pipeline Decontrol

Question 24: It is my understanding that the Administration is considering proposing legislation to decontrol liquids pipelines.

As you know, in the past the Administration has proposed pipeline decontrol legislation but, because of its controversial nature, has been "dead on arrival" in the vernacular.

If the Administration intends on re-proposing oil pipeline decontrol legislation, in order to assure that it has at least a fighting chance, would you consider consulting with us before sending it?

Answer: The Administration is currently considering oil pipeline deregulation legislation. We plan to work with Congress, as well as with interested industry groups, prior to proposing legislation to the Congress.

QUESTIONS FROM SENATOR McCLURE

Energy Security Threat

Question 25: Today the U.S. is even more dependent on foreign oil than it was just prior to the 1973 Arab oil embargo--and that dependence continues to grow. This dependence is so great that, earlier this year, when the Department of Commerce released the results of its Trade Expansion Act investigation on oil imports, the Department concluded that:

> "There have been substantial improvements in U.S. energy security since the last Section 232 petroleum finding in 1979. However, declining domestic oil production, rising oil imports, and growing Free World dependence on potentially insecure sources of supply raises a number of concerns, including vulnerability to a major supply disruption. The investigation found that the maintenance of U.S. access to sufficient supplies of petroleum is essential to our economic security, foreign policy flexibility, and defense preparedness. Given the above factors, it was found that petroleum imports threaten to impair the national security."

Would you agree that our growing foreign oil dependence poses a threat to our economic security as well as energy security?

Answer: The energy security of the United States is threatened by growing dependence upon foreign oil imports from potentially insecure sources. Although we are not as dependent on the Persian Gulf region as we were in the late 1970's, the fact remains that two-thirds of the world's oil reserves are located in this volatile area and, therefore, our future reliance on this region is likely to increase. We need to take action in a number of areas to enhance our energy security. These actions include: maintaining a viable domestic oil industry through

Answer 25 continued: tax incentives and the development of our most promising new sources of oil in an environmentally sound manner, such as the coastal plain of the Arctic National Wildlife Refuge and certain offshore areas; continuing to make gains in conservation and energy efficiency; increasing our use of natural gas; filling the Strategic Petroleum Reserve to its goal; pursuing alternative fuels for transportation; accelerating the safe development of nuclear energy; and supporting research and development on solar and other renewable energy resources.

Because of the collective dependence on oil imports of the oil-consuming nations, we will continue to work with other countries to coordinate our energy policy goals and improve emergency preparedness planning.

QUESTIONS FROM SENATOR McCLURE

New Production Reactor Strategy

Question 26(a): Do you support the two reactor strategy (two NPR's of two different designs at two separate sites) as proposed by the Department of Energy last year?

Answer: Yes, I support the two reactor strategy as proposed by the Department last year. Admiral Watkins has indicated that the preferred strategy of constructing two new reactor plants of two different technologies at two separate sites is a sound one. I fully agree with his views.

QUESTIONS FROM SENATOR McCLURE

New Production Reactor Strategy

Question 26(b): In your judgment, is this strategy the best means of reducing the risk of losing our production capacity as a result of events such as:

- Generic design flaws or other safety-related design deficiencies (which we're experiencing now at Savannah River);
- Operational/management deficiencies (which we're experiencing now at Savannah River);
- An accident at one reactor causing shutdown of the entire complex (such as we experienced at Three Mile Island and at Chernobyl); or
- The threat of espionage, site intrusion, or other deliberate events targeted to a particular site.

Answer: I believe that constructing two new reactors of different technologies at two separate sites would reduce significantly the risk of losing our production capacity as a result of the events listed.

QUESTIONS FROM SENATOR McCLURE

Modernization of DOE Complex

Question 27: The largest single task that DOE will have to deal with is the modernization of the aging weapons complex and the restoration and remediation of the DOE sites that have been housing this complex over the last 40 years. I understand that Leo Duffy was just named as Special Assistant in charge of coordinating all waste cleanup activities. How do you envision the interrelationship of this office with other DOE offices involved with waste or environmental concerns?

Answer: Mr. Duffy is serving Secretary Watkins as a Special Assistant for coordinating the preparation of an integrated five-year waste cleanup plan. No separate office has been established at this point; rather, this five-year plan is being prepared under Mr. Duffy's direction by a task force comprised of experts from various DOE Headquarters organizations and operations offices. I believe the other DOE offices involved with waste or environmental activities will cooperate fully with Mr. Duffy and with the members of the task force to help complete this five-year plan by August.

QUESTIONS FROM SENATOR McCLURE

Special Isotope Separation (SIS)

Question 28(a): The Special Isotope Separation (SIS) facility will enable us to produce weapons-grade plutonium without relying on the Savannah River reactor facilities whose future missions in any event are not likely to include plutonium production.

But besides its primary mission of producing the equivalent of 15 reactor-years' worth of weapons-grade plutonium, are you aware of the other unique capabilities of the SIS, including the capability for producing tailored mixtures of special isotopes for a wide variety of military applications?

Answer: Yes, I am aware that the SIS facility will provide a number of capabilities essential to the DOE mission of providing special nuclear materials, specifically plutonium, for use in the weapons program.

The primary capability, of course, will be the production of weapon-grade plutonium from DOE inventories of fuel-grade material. The SIS likely will be the only source of new weapon-grade plutonium until new production reactors are able to meet completely the demand for tritium and then could be used in part to produce plutonium, sometime after 2005.

In addition, the SIS plutonium processing building will provide a capability to purify plutonium scrap, in parallel with its primary function, and could fulfill a role in processing material from retired weapons. A number of other capabilities for this facility have been identified,

Answer 28(a) continued:

including the production of "super grade" material for low radiation or special design applications.

Let me emphasize, however, that I support construction of the SIS facility because of the critical need to provide a contingent source of weapon-grade plutonium.

QUESTIONS FROM SENATOR McCLURE

Special Isotope Separation (SIS)

Question 28(b):	Are you prepared to defend this project with vigor before some of the more skeptical members of Congress, whose agenda and priorities may not necessarily coincide with those of the Department of Energy?
Answer:	I view the SIS project as a necessary component of DOE's effort to modernize its defense complex and to provide the Nation with a reliable source of materials for the maintenance of our nuclear deterrent. I fully support these efforts and will defend the need for this project.

QUESTIONS FROM SENATOR McCLURE

Nuclear Waste Disposal

Question 29(a): One area that has been a source of great consternation to lawmakers and the nuclear industry is the Department's nuclear waste disposal program. As you are probably aware, the utilities with nuclear power plants have been funding this program at the rate of 1 mil per kilowatt-hour for almost seven years now, and we have yet to sink an exploratory shaft to characterize a disposal site. You probably also appreciate the political unpopularity of this program, and the efforts that Congress made back in 1987 to remove some of the hurdles that had heretofore paralyzed the program. I think we are now all anxious to see some real progress in the program.

What role can your office play to assist in the selection of a well-qualified Director for the Office of Civilian Radioactive Waste Disposal?

Answer: One of my top priorities will be to assist Admiral Watkins in his efforts to fill all the key departmental positions with outstanding individuals. In particular, I plan to work closely with Admiral Watkins in identifying the most qualified individuals for the position of Director of the Office of Civilian Radioactive Waste Management. Also, I will work closely with Admiral Watkins in managing this project to a successful conclusion in as timely a manner as legally possible. I view this program as extremely important.

QUESTIONS FROM SENATOR McCLURE

Nuclear Waste Disposal

Question 29(b): Once the lawsuit is settled concerning the contract for Systems Engineering, Design, and Management (SEDM), will you assist the Department in its efforts to bring the SEDM contractor on board as expeditiously as possible, and will you give this contractor the necessary latitude to manage the program as it was meant to do?

Answer: All segments of the Department are cooperating to prepare expeditiously a contract for the management and operating contractor who will provide the systems engineering, development, and management (SEDM) of the total civilian nuclear waste management system. The contractor will have the necessary latitude to assist Office of Civilian Radioactive Waste Management officials in managing the program effectively.

QUESTIONS FROM SENATOR McCLURE

Waste Isolation Pilot Plant (WIPP)

Question 30:	What can your office contribute towards the resolution of the administrative, legislative, legal, and technical issues that have heretofore delayed the startup of the Waste Isolation Pilot Plant (WIPP) in New Mexico? As you know, the Governor of Idaho has just about reached the limit of his patience in continuing to allow shipments of Rocky Flats transuranic wastes into Idaho. His patience, in fact, will "formally expire" this October. In the event that WIPP still is not operational by that time, I strongly urge DOE to have a contingency plan in place by that time, and I urge you to work with Defense Programs to see that that happens. I would also request that you keep me fully and currently informed on all aspects of this issue.
Answer:	The Department has established a task force that is looking into alternate storage sites for transuranic wastes should WIPP not open in September. DOE also uses its periodic meetings with State officials from Idaho, New Mexico, and Colorado to discuss these options. I have been impressed with the progress DOE has made since January in resolving the environmental and operational issues to support WIPP operation. Secretary Watkins is personally involved in these efforts, and has identified the need to open WIPP as one of his near-term objectives. I and other Department officials will keep you informed of the Department's efforts to open WIPP by September.

QUESTIONS FROM SENATOR McCLURE

Nuclear Safety

Question 31(a): Will your office take part in examination of the interrelationship among all these various safety-related entities within DOE, and possibly restructuring the offices to derive the maximum benefit and efficiency?

Answer: The Secretary has stated that we intend to examine carefully the DOE internal organization to ensure that the Department has defined clearly the roles and responsibilities of line management and has provided internal oversight for carrying out its safety and environmental policies and procedures. As Deputy Secretary, I expect to work closely with the Secretary on this examination of the internal structure of the Department. Further, I intend to ensure that the Department has a clearly defined relationship with, and is prepared to respond to, external oversight bodies such as the current Advisory Committee on Nuclear Facility Safety and the Defense Nuclear Facilities Safety Board when it becomes operational.

QUESTIONS FROM SENATOR McCLURE

Nuclear Safety

Question 31(b): Do you plan on reexamining the overall line-management structure of the Department in order to bring safety closer to those people who are charged with actual operation of the Department of Energy Laboratories?

Answer: As previously stated by the Secretary, we plan a thorough review of the existing line-management structure that will include the manner in which the Department performs management oversight of its operating contractors.

QUESTIONS FROM SENATOR McCLURE

Uranium Enrichment

Question 32(a): Will your office contribute to the formulation of legislation to restructure the uranium enrichment business?

Answer: I am familiar with the legislative proposal the Administration is developing. If confirmed as Deputy Secretary, I will be involved directly in this effort.

QUESTIONS FROM SENATOR McCLURE

Uranium Enrichment

Question 32(b): Do you support continued research and development of the Atomic Vapor Laser Isotope Separation (AVLIS) technology for eventual replacement of our outdated gaseous diffusion technology?

Answer: I agree with Secretary Watkins' position that research and development of the AVLIS technology should be continued in order to complete a demonstration of the technical and economic merits of this enrichment process. DOE has a program in place to provide a demonstration of the AVLIS technology by the end of CY 1991. If demonstration validates the technical and economic value of AVLIS, the Department would support deployment.

QUESTIONS FROM SENATOR McCLURE

Uranium Enrichment

Question 32(c): In general, what role do you think the Federal Government should play in assuring the viability of the domestic mining industry, which by the way, was again declared nonviable for the fourth year in a row?

Answer: I am aware that the United States uranium mining industry has been found nonviable for the last 4 years. Following the latest viability determination, the Secretary of Commerce was requested to conduct an investigation to determine the effects on national security of the importation of uranium. This investigation is underway now and is scheduled for completion in September 1989. The results of this study will help determine an appropriate course of action and should be reviewed carefully.

QUESTIONS FROM SENATOR McCLURE

Advanced Reactor Research

Question 33: Members of this Committee have followed with great interest the advanced reactor research programs within the Office of Nuclear Energy. These programs set the stage for the next generation of nuclear power plants in this country, and I cannot stress enough the importance of the Department's leadership in the areas of the Integral Fast Reactor research, the High Temperature Gas Reactor development, and the advanced light water reactor cooperative effort with private industry. Are you familiar with the distinct contributions that each of these programs provides to the future of our domestic nuclear energy industry, and will you continue to support each of these efforts to the fullest degree possible, not only to keep the facilities and infrastructure alive, but also in order to make meaningful progress with respect to the results that each program is meant to achieve?

Answer: Yes, I am familiar with the advanced reactor technologies under development by the Department. I support continued research in this area to ensure that nuclear energy remains a safe, economically competitive, and environmentally acceptable option that contributes to national energy stability, security, and strength.

QUESTIONS FROM SENATOR WALLOP

Sale of the Naval Petroleum Reserves

Question 34: Does the Administration support the sale of the Naval Petroleum Reserves?

Answer: The Administration supports the sale of the Naval Petroleum Reserves, and has prepared authorizing legislation to accomplish this goal. The proposed legislation would provide that the sale of the Naval Petroleum Reserves Numbered 1 in California and Numbered 3 in Wyoming would realize 109.5 million barrels of oil to be delivered to the Strategic Petroleum Reserve, 10 million barrels of oil for a Defense Petroleum Inventory, and at least $1 billion in cash.

The Department envisions multiple benefits from divestiture. First, management of oil fields is principally a private industry function in the United States, and we believe that private owners could operate the fields more efficiently and profitably than the Federal Government. Second, from the perspective of the Government, the Naval Petroleum Reserves do not have enough short-term production capacity to protect adequately either the military or the general economy from a supply interruption. Therefore, as proposed in the draft legislation, the compensation for the Naval Petroleum Reserves will include a more rapid increase in the size of the Strategic Petroleum Reserve with attendant national benefits and the creation of a Defense Petroleum Inventory. The Strategic Petroleum Reserve is capable of delivering over 3 million

Answer 34 continued:

barrels of oil per day into the economy and that capability will increase to 4.5 million barrels per day. The Defense Petroleum Inventory will be able to deliver up to 150,000 barrels of oil per day to the Department of Defense. By comparison, the Government's share of current production from the Naval Petroleum Reserves is only about 80,000 barrels of oil per day with the rate of production declining. Third, the requirement that the Government receive at least $1 billion in cash would accomplish an immediate reduction in the National debt, the value of which will be compounded over the years as interest on that debt is avoided.

For the above reasons, the Administration believes that divestiture of the Naval Petroleum Reserves is highly preferable to continued Federal ownership.

QUESTIONS FROM SENATOR WALLOP

Sale of the Naval Petroleum Reserves

Question 35: Does the Administration favor a swap of NPR oil for SPR oil?

Answer: Under the Administration's proposed legislation, 109.5 million barrels of oil would be delivered to the Strategic Petroleum Reserve (SPR) as part of the consideration for the sale of the Naval Petroleum Reserves (NPR). If divestiture is not approved by Congress, a swap of NPR oil for oil to be used in filling the SPR would be one possible option which the Department and the Office of Management and Budget would consider.

QUESTIONS FROM SENATOR WALLOP

Sale of the Naval Petroleum Reserves

Question 36:	What efforts will be undertaken by the Administration to accomplish the sale?
Answer:	The Administration has set an ambitious schedule that has final transfer of the assets taking place in September 1990. For this to occur, the Department needs to begin immediately some of the tasks essential to the transfer. A first step in the process would include negotiations with Chevron, our unit partner at Naval Petroleum Reserve Numbered 1, on a new Unit Plan Contract which would allow us to sell our interests. DOE also needs to begin gathering data and information about companies which might be potential buyers and developing a strategy for marketing the Reserves after passage of the authorizing legislation. In addition, the Department should begin activities such as drafting solicitation documents and developing plans for employee protection. There will be other activities that could be started before enactment of enabling legislation, such as the creation of data rooms which would open the books of the Reserves to prospective buyers. Activities such as the actual solicitation of offers, opening of the data rooms, receipt of offers, evaluations and negotiations, antitrust review, and other activities that would show a serious intention to sell these assets would, for the most part, not happen until authorizing legislation is enacted.

QUESTIONS FROM SENATOR WALLOP

Revenues from the Naval Petroleum Reserves

Question 37: Pursuant to the Mineral Leasing Act, the Federal Government splits with each state fifty percent of all money received from sales, bonuses, royalties, and rentals of public lands within that state, except that all money received from lands in a Naval Petroleum Reserve is deposited in the General Fund of the Treasury. S. 669, introduced by Sens. Wilson and Cranston, would eliminate this exception to treat all public lands alike under the Mineral Leasing Act. Does the Administration support this legislation?

Answer: I have been advised that the Department would oppose enactment of S. 669 for several reasons. First, the bill would create significant uncertainties for prospective buyers of the Naval Petroleum Reserves Numbered 1 and 3, should the Administration receive Congressional approval to divest its interests in these oil fields. Second, the bill would diminish the revenues to the Government from the Naval Petroleum and Oil Shale Reserves, even if NPR-1 and NPR-3 ultimately are not sold. Third, the bill attempts to resolve issues that are in litigation and more appropriately should be left to the courts. Finally, I am informed that the bill is flawed by significant technical defects.

QUESTIONS FROM SENATOR NICKLES

Natural Gas Decontrol

Question 38: What is the position of the Administration on natural gas decontrol?

Answer: In his first budget message to Congress, President Bush expressed the belief that "...at long last the Federal Government should fully decontrol natural gas." The Administration prefers that deregulation occur as soon as possible; however, if a consensus leads Congress to adopt January 1, 1993, for the date to complete the process, the Administration could support that date. The elimination of remaining wellhead price controls will contribute to a healthy and competitive natural gas industry. Deregulation will foster timely and market-responsive price signals which, in turn, will encourage increased exploration and production activities. This will help ensure that reliable supplies of natural gas remain available to consumers. Finally, competition objectively and efficiently will ensure that consumers pay the lowest prices consistent with long-term supply reliability.

QUESTIONS FROM SENATOR NICKLES

Cafe Standards

Question 39: Does the DOE support expanding the current CAFE law?

Answer: The responsibility for setting Corporate Average Fuel Economy (CAFE) standards rests with the Secretary of Transportation. The Department of Energy provides information and comments on technological feasibility and the Nation's energy conservation needs.

As you know, Secretary Watkins is committed to the development of a sound national energy policy coupled to an integrated strategy to carry out that policy. One of the issues that policy will address is the growing dependence of our Nation on imported oil, a dependence that is focused on the growing consumption of transportation fuels. Increased energy efficiency and conservation in the transportation sector will be a part of that strategy.

In the course of formulating a national energy policy, full and current information on the advantages and disadvantages of higher CAFE standards, as well as oil imports, economic factors, and other factors will be considered.

QUESTIONS FROM SENATOR NICKLES

Enhanced Oil Recovery

Question 40: Do you intend to stress the importance of enhanced oil recovery as part of the Administration's integrated energy strategy?

Answer: Definitely. The potential for enhanced oil recovery should not be underestimated, and I share Secretary Watkins' desire to pursue an aggressive effort in this area. Conventional oil production, on the average, recovers only one-third of the oil from a typical reservoir. The potential target for improved oil recovery is estimated to be approximately 300 billion barrels. Although it is not practical to expect to recover all of this resource, even a 10% improvement in oil recovery efficiency would more than double current U.S. oil reserves. We must encourage efforts on more complete extraction of oil from the already discovered, known, and aging reservoirs. They still contain significant quantities of oil, while the probability of discovering new large oil fields in the contiguous U.S. is small and declining.

To realize this potential, we need to develop a better understanding of the geology of reservoirs and novel or improved production techniques such as horizontal drilling and microbial enhanced oil recovery. Integral to these efforts will be our plans to expand technology transfer programs for oil and gas.

QUESTIONS FROM SENATOR McCONNELL

Coal

Question 41: There has been much discussion lately about the trend in the U.S. towards a heavier reliance on imported crude oil and the need to develop our domestic energy sources. Many in the energy field believe coal offers a viable alternative to foreign energy supplies. Do you agree that coal offers a viable alternative to foreign energy suppplies?

Answer: As I noted in my written statement, our national energy policy must acknowledge coal's potential as an important fuel for the future and support greater use of coal and development of clean coal technologies, consistent with environmental constraints and objectives. Coal or coal-derived fluids and gases can be used in all sectors of our economy. Clearly, there are more readily acceptable targets of opportunity from one sector to the next, or even within a sector. For example, significant progress has been made in reducing the cost of producing petroleum substitute liquids from coal for the transportation sector. The Department has a number of research and development efforts in progress to produce liquids from coal. The results of these continuing activities would be a technology base for industry to go forward to commercialization when the technologies become competitive with oil. Also in the transportation sector, direct firing of coal in diesel locomotive engines appears to present a very good opportunity. In the commercial sector, co-firing of hospital wastes with coal to raise steam, heat, cool, and produce electricity appears to be a very good opportunity.

QUESTIONS FROM SENATOR McCONNELL

Coal

Question 42: In your new position at the Department of Energy, will you work to see that coal is given fair consideration when energy policy options are discussed?

Answer: All domestic energy resources will be given fair consideration. It is the Department's responsibility to facilitate the availability of multiple energy resources and promote the advancement of their utilization technologies so that individual citizens, institutions, and private businesses can choose the most appropriate fit of resource and technology for their specific needs. I believe that coal will make an important contribution to our energy needs in the future.

QUESTIONS FROM SENATOR McCONNELL

Acid Rain

Question 43: President Bush has promised to send us an acid rain bill this year. As we discussed when you came by my office, if acid rain legislation is inevitable, I believe the coal interests of Kentucky in particular, and the Nation in general, would be best served by a bill which is coal neutral -- one that neither harms nor favors a particular segment of the coal industry.

-- Can you comment on the Administration's progress towards developing an acid rain bill?

Answer: The President has stated that he will submit a Clean Air bill. This effort is among the first domestic initiatives undertaken by the Administration. While it is difficult to predict the timing of this legislation, I understand that the Administration is planning to submit its bill in May. The Department is very much involved in the preparation of that bill. I think you will see in that Clean Air bill that the Administration will try to balance the kinds of conflicting pressures you mentioned.

QUESTIONS FROM SENATOR McCONNELL

Acid Rain

Question 44:	What type of acid rain legislation can we expect from the Administration this year?
Answer:	The President and Secretary Watkins have expressed strong support for the demonstration and commercial deployment of clean coal technologies. I also support the clean coal initiative and will work to ensure that the legislative package is consistent with that principle. The specifics of a legislative package must account for the policy implications of alternative energy sources and technologies, scientific understanding of acid rain constituents and transport, and capabilities of alternative technologies and approaches to reducing emissions, such as the clean coal technologies that are being analyzed.

QUESTIONS FROM SENATOR McCONNELL

AVLIS Technology and the Future of the Paducah Enrichment Plant

Question 45(a): The development of the new AVLIS uranium enrichment technology is of great interest to the citizens of Paducah, Senator Ford, and me. As you know, Paducah is one of two working gaseous diffusion uranium enrichment sites in the nation. The plant is the second largest employer in western Kentucky and any talk of shutting the facility obviously causes great concern in that area of the state.

I've been assured by officials at DOE that Paducah has an equal chance of being selected as the site for AVLIS technology if and when AVLIS is proven to be a superior technology to gaseous diffusion.

Have you heard any differently?

Answer: I can assure you that Paducah will receive fair consideration in any decision concerning Atomic Vapor Laser Isotope Separation plant siting.

QUESTIONS FROM SENATOR McCONNELL

AVLIS Technology and the Future of the Paducah Enrichment Plant

Question 45(b): Do you know if site-selection criteria have been selected?

Answer: The Department has not yet developed site-selection criteria. Work on site-selection criteria for an AVLIS plant will begin in 1989. Final site selection will not occur before 1992 at the earliest. In any event, there will be ample opportunities for involvement by the public from the candidate sites and communities as the siting process goes forward.

QUESTIONS FROM SENATOR McCONNELL

AVLIS Technology and the Future of the Paducah Enrichment Plant

Question 45(c): Can you comment as to what some of those criteria might be?

Answer: In general, site-selection criteria will include considerations of technical, economic, environmental, and socioeconomic factors. The Department has not developed yet the site-selection criteria for this project.

QUESTIONS FROM SENATOR McCONNELL

AVLIS Technology and the Future of the Paducah Enrichment Plant

Question 46: DOE plans to spend about $100 million to upgrade the Paducah Gaseous Diffusion Plant to make it more energy efficient.

Because energy is the single largest cost factor in the gaseous diffusion uranium enrichment process, DOE's decision to upgrade the Paducah facility would seem to bode well for the future of the plant. Jim Hall of DOE said recently: "As long as the gaseous diffusion plants continue to be efficient and competitive, we have no reason to spend $1 billion to build a new AVLIS plant."

Can you comment on how this upgrade will impact the future of the Paducah facility?

Answer: A number of activities have been undertaken to assure the continued, competitive operation of the Paducah Gaseous Diffusion Plant. The electric power contract with Electric Energy, Inc. has been extended through the year 2005. This contract will provide the Paducah plant with a base load of firm power and will provide access to the regional utility system to allow us to obtain low-cost, nonfirm power. Electric Energy, Inc. also has undertaken a project to upgrade the Paducah area transmission system to allow this low-cost, nonfirm power to be delivered to the plant. Within the Paducah plant, a number of projects are underway to upgrade its operation. As an example, in FY 1988, a construction project was initiated to expand the plant's capability to utilize nonfirm power. These projects are scheduled to be completed within the next few years and

Answer 46
continued:

will allow the Paducah plant to utilize better its full production capability and produce competitively priced enriched uranium through the end of this century.

QUESTIONS FROM SENATOR McCONNELL

AVLIS Technology and the Future of the Paducah Enrichment Plant

Question 47(a): As I understand it, the economic and technological feasibility of the AVLIS technology have yet to be determined. An AVLIS demonstration plant is being built in California. A recent report said testing will last at least two more years.

Is it true that the technological and economic feasibility of the technology still need to be demonstrated?

Answer: The technological and economic feasibility of AVLIS have not been demonstrated on a large scale. A demonstration which will test the technological feasibility at full scale and provide a basis for assessing the economics is planned to be completed by the end of calendar year 1991.

QUESTIONS FROM SENATOR McCONNELL

AVLIS Technology and the Future of the Paducah Enrichment Plant

Question 47(b): At what stage of development is the AVLIS development program?

Answer: The Department has completed demonstration at less than full-scale and has confirmed the projected performance. DOE currently is installing full-scale equipment in the facilities at the Lawrence Livermore National Laboratory to prepare for the 1991 full-scale demonstration.

QUESTIONS FROM SENATOR McCONNELL

AVLIS Technology and the Future of the Paducah Enrichment Plant

Question 47(c): How long until we know if the technology will indeed replace gaseous diffusion technology?

Answer: The capability of Atomic Vapor Laser Isotope Separation technology will be known by the end of 1991. The existing gaseous diffusion plants are expected to be competitively productive significantly longer. The competitive capability of the diffusion plants will be a crucial item in a decision to build an AVLIS plant.

QUESTIONS FROM SENATOR GARN

Role of Natural Gas in U.S. Energy Security

Question 48(a): In March 1987 the Department of Energy completed a detailed study of U.S. energy security for the President. The study emphasized the role natural gas can play in reducing U.S. dependence on imported oil. The study noted: "Natural gas can substitute readily for imported oil in many applications such as industrial boilers, cogeneration, space heating and cooling, and even transportation."

I am encouraged by the Administration's recognition of the role of natural gas in U.S. energy security. However, DOE still does not commit sufficient research funds to mount a truly effective cooperative R&D program with the gas industry's R&D arm, Gas Research Institute. A cooperative gas industry/Federal Government research program is critical to the development and use of the nation's natural gas resources.

What plans do you have to increase the level of research on natural gas?

Answer: I agree that natural gas will be an increasingly important fuel in our energy future. Accordingly, I support the Department's continuing efforts to develop technologies that make greater use of natural gas resources as well as its efforts to develop technologies that increase supplies. For example, the Department recently has completed large-scale field experiments and will initiate and complete several more during FY 1989 and FY 1990. The field tests are focusing on the application of horizontal well technology to recover natural gas from low permeability reservoirs. After final data collection and analysis of these field efforts, it is the Department's intention to determine what future research is needed for production of unconventional gas resources.

QUESTIONS FROM SENATOR GARN

Role of Natural Gas in U.S. Energy Security

Question 48(b): What are your plans for expanding cooperative DOE/industry research programs with groups like Gas Research Institute to solve technical problems that keep natural gas from fulfilling a larger role in U.S. energy security?

Answer: I support the Department in its cooperative DOE/industry research program. At the present time, the Department is involved in a Secondary Gas Recovery project with the Gas Research Institute and the Texas Bureau of Economic Geology. The three-year project has a total cost of $22.25 million with DOE contributing $8.5 million. Also, DOE is negotiating with industry for work in the field testing of horizontal well technology. Multiple awards are expected with all having a high percentage of cost sharing.

I also support the Department in its major initiative to transfer unclassified, defense-related technology developed by several national laboratories to the gas industry. I understand that this technology could be extremely useful in locating and recovering gas supplies.

POST-HEARING QUESTIONS AND ANSWERS RELATING TO THE APRIL 5, 1989, HEARING

BEFORE THE

COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

JOHN C. TUCK

NOMINEE FOR THE POSITION OF
UNDER SECRETARY OF ENERGY

QUESTIONS FROM SENATOR JOHNSTON

Question 1: Have you ever been investigated, arrested, charged or held by any Federal, State or other law enforcement authority for violation of any Federal, State, county or municipal law, regulation, or ordinance, other than a minor traffic offense? If so, please explain.

Answer: No.

QUESTIONS FROM SENATOR JOHNSTON

Question 2: Have you ever been convicted (including a plea of guilty or nolo contendere) of any criminal violation other than a minor traffic offense?

Answer: No.

QUESTIONS FROM SENATOR JOHNSTON

Question 3: Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

Answer: No.

QUESTIONS FROM SENATOR JOHNSTON

Question 4:	Have you or your spouse ever represented in any capacity (e.g., employee, attorney, business, or political adviser or consultant), with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.
Answer:	No.

QUESTIONS FROM SENATOR JOHNSTON

Question 5: If you or your spouse has ever been formally associated with a law, accounting, public relations firm or other service organization, have any of your or your spouse's associates represented, in any capacity, with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

Answer: No.

QUESTIONS FROM SENATOR JOHNSTON

Question 6: During the past ten years have you or your spouse received any compensation from, or been involved in any financial or business transactions with, a foreign government or an entity controlled by a foreign government? If so, please furnish details.

Answer: No.

QUESTIONS FROM SENATOR JOHNSTON

Question 7: Have you or your spouse ever registered under the Foreign Agents Registration Act? If so, please furnish details.

Answer: No.

QUESTIONS FROM SENATOR JOHNSTON

Question 8: Were all your taxes (Federal, State, and local) current (filed and paid) as of the date of your nomination hearing? If not, please explain.

Answer: Yes.

QUESTIONS FROM SENATOR JOHNSTON

Question 9: Have all your Federal, State, and local taxes always been paid on time? If not, please explain.

Answer: Yes. My Virginia State return for 1987 was filed late. The balance due me was over $941. Accordingly, my Virginia State taxes were timely paid but my Virginia State return was not timely filed. The State of Virginia provided me a refund check for $941.00 and indicated informally that Virginia law is silent on the question of late filing when a refund is due to a taxpayer.

QUESTIONS FROM SENATOR JOHNSTON

Question 10: If confirmed, are there any known limitations on your willingness or ability to serve for your full term or until the next Presidential election, whichever is applicable?

Answer: No.

QUESTIONS FROM SENATOR JOHNSTON

Question 11: Please advise the Committee of any additional information, favorable or unfavorable, which you think the Committee would want to be aware of in considering your nomination.

Answer: None.

QUESTIONS FROM SENATOR JOHNSTON

Question 12: Will you be available to appear before this Committee and other Congressional Committees to represent Departmental positions and respond to issues of concern to the Congress?

Answer: Yes.

POST-HEARING QUESTIONS AND ANSWERS
RELATING TO THE APRIL 5, 1989, HEARING

BEFORE THE

COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

DONNA R. FITZPATRICK

NOMINEE FOR THE POSITION OF
ASSISTANT SECRETARY FOR
MANAGEMENT AND ADMINISTRATION

QUESTIONS FROM SENATOR JOHNSTON

Question 1: Have you ever been investigated, arrested, charged or held by any Federal, State or other law enforcement authority for violation of any Federal, State, county or municipal law, regulation, or ordinance, other than a minor traffic offense? If so, please explain.

Answer: No.

QUESTIONS FROM SENATOR JOHNSTON

Question 2: Have you ever been convicted (including a plea of guilty or nolo contendere) of any criminal violation other than a mino traffic offense?

Answer: No.

QUESTIONS FROM SENATOR JOHNSTON

Question 3: Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

Answer: Yes. Named as a defendant in Welsh v. Hannan, (Montgomery Co. Md. Circuit Court, 1985) alleging professional negligence. Case was dismissed against me without trial; other defendants settled.

In 1977, as executrix of a decedent's estate, I was a co-defendant in a civil action against the estate (National Children's Choir vs. Estate of Jane E. Marilley, DC Superior Court, Probate Division). The case was settled out of court before trial.

QUESTIONS FROM SENATOR JOHNSTON

Question 4: Have you or your spouse ever represented in any capacity (e.g., employee, attorney, business, or political adviser or consultant), with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

Answer: No.

QUESTIONS FROM SENATOR JOHNSTON

Question 5: If you or your spouse has ever been formally associated with a law, accounting, public relations firm or other service organization, have any of your or your spouse's associates represented, in any capacity, with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

Answer: Yes. I believe that the law firm where I was an Associate, O'Connor & Hannan, was registered as an agent of a foreign principal. I was not involved in any such representation. If desired, details can be obtained from David R. Melincoff, Esquire, 1919 Pennsylvania Avenue, N.W., Washington, D.C. 20006, 202/887-1400.

QUESTIONS FROM SENATOR JOHNSTON

Question 6: During the past ten years have you or your spouse received any compensation from, or been involved in any financial or business transactions with, a foreign government or an entity controlled by a foreign government? If so, please furnish details.

Answer: No.

QUESTIONS FROM SENATOR JOHNSTON

Question 7: Have you or your spouse ever registered under the Foreign Agents Registration Act? If so, please furnish details.

Answer: No.

QUESTIONS FROM SENATOR JOHNSTON

Question 8: Were all your taxes (Federal, State, and local) current (filed and paid) as of the date of your nomination hearing? If not, please explain.

Answer: Yes.

QUESTIONS FROM SENATOR JOHNSTON

Question 9:	Have all your Federal, State, and local taxes always been paid on time? If not, please explain.
Answer:	Yes.

QUESTIONS FROM SENATOR JOHNSTON

Question 10: If confirmed, are there any known limitations on your willingness or ability to serve for your full term or until the next Presidential election, whichever is applicable?

Answer: No.

QUESTIONS FROM SENATOR JOHNSTON

Question 11: Please advise the Committee of any additional information, favorable or unfavorable, which you think the Committee would want to be aware of in considering your nomination.

Answer: None.

QUESTIONS FROM SENATOR JOHNSTON

Question 12: Will you be available to appear before this Committee and other Congressional Committees to represent Departmental positions and respond to issues of concern to the Congress?

Answer: Yes.

QUESTIONS FROM SENATOR JOHNSTON

TRW Law Suit

Question 13: Currently the Department's award of a major, 10-year, $100 million per year contract to manage the nuclear waste program is tied up in court because of alleged improprieties in the DOE procurement process. This dispute threatens to delay this program even more than it has been delayed already.

Could you review this matter and determine what options are available to the Department to insure that the program is not delayed by this suit, or at least that the delay is limited as much as possible? How can similar situations be avoided in the future?

Answer: Until this law suit is resolved, the Department will continue to execute its responsibilities, as mandated by the Nuclear Waste Policy Act of 1982, through the use of existing program contracts.

The Department believes that this procurement adhered to all applicable procurement statutes, regulations, policies, and procedures. All offerors were treated equally throughout the process. Therefore, the Department of Energy believes there was no impropriety related to this procurement. Our best approach is to continue to conduct our procurements in an ethical and professional manner.